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FINAL CITY COUNCIL

CITY OF WICHITA KANSAS

City Council Meeting 09:00 a.m. May 7, 2013

City Council Chambers 455 North Main

OPENING OF REGULAR MEETING

- -- Call to Order
- -- Invocation
- -- Pledge of Allegiance
- -- Approve the minutes of the regular meeting on April 23, 2013

AWARDS AND PROCLAMATIONS

-- Special Presentation:

Wichita Area Sister Cities, Student Ambassadors Cancun, Mexico

-- <u>Proclamations</u>:

National Kids to Parks Day Bike Month National Travel and Tourism Week

-- <u>Service Awards</u>:

Sally Sanchez John A. Stowers

I. PUBLIC AGENDA

NOTICE:No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a "first-come, first-served" basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city manager prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum as provided in this code will be observed.

None

II. CONSENT AGENDAS (ITEMS 1 THROUGH 23)

NOTICE: Items listed under the "Consent Agendas" will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the "Consent Agendas" and considered separately

(The Council will be considering the City Council Consent Agenda as well as the Planning, Housing, and Airport Consent Agendas. Please see "ATTACHMENT 1 – CONSENT AGENDA ITEMS" for a listing of all Consent Agenda Items.)

COUNCIL BUSINESS

III. UNFINISHED COUNCIL BUSINESS

None

IV. NEW COUNCIL BUSINESS

1. <u>Memorandum of Understanding – Wichita Racial Profiling Advisory Board.</u>

RECOMMENDED ACTION: Approve the Memorandum of Understanding.

2. Naming of a Portion of the Multi-Use Trail. (District III)

RECOMMENDED ACTION: Approve the naming of the path between Garvey Park and Chapin Park "Phil

Lambke Pathway."

3. Petition for Paving Improvements to serve NewMarket V Addition. (District V)

RECOMMENDED ACTION: Approve the design concept and petition, adopt the amending resolution, and

authorize the necessary signatures.

(9:30 a.m. or soon thereafter)

4. Public Hearing: Repair or Removal of Dangerous and Unsafe Structures. (District VI)

Property Address

a. 3038 N Park Pl

Council District

V

RECOMMENDED ACTION: Close the public hearing, adopt the resolutions declaring the building a dangerous

and unsafe structure, and accept the BCSA recommended action to proceed with condemnation, allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be contingent on the following: (1) All taxes have been paid to date, as of May 7, 2013; (2) the structure has been secured as of May 7, 2013 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of May 7, 2013, as will be so maintained during renovation.

COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

V. NON-CONSENT PLANNING AGENDA

1. ZON2013-00002 – City zone change request from LC Limited Commercial ("LC") to GC General Commercial ("GC"), subject to Protective Overlay ("PO") PO#273 on property located at the southeast corner of South West Street and 47th Street South. (District IV)

RECOMMENDED ACTION:

1) Adopt the findings of the MAPC and approve the zone change request to GC subject to the MAPC recommended Protective Overlay #273, authorize the Mayor to sign the ordinance and withhold publication of the ordinance until the plat has been recorded (simple majority required); 2) deny the requested zone change (two-thirds majority required) or 3) return the application to the MAPC for further consideration (simple majority required).

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Fern Griffith, Housing Member is also seated with the City Council.

VI. NON-CONSENT HOUSING AGENDA

None

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

VII. NON-CONSENT AIRPORT AGENDA

None

COUNCIL AGENDA

VIII. COUNCIL MEMBER AGENDA

1. <u>Approval of travel expenses for Council Member Lavonta Williams and Council Member James Clendenin to attend the 2013 NLC Summer Policy Forum in Washington, D.C., June 27-29, 2013.</u>

RECOMMENDED ACTION: Approve the expenditures.

IX. COUNCIL MEMBER APPOINTMENTS

1. Board Appointments.

RECOMMENDED ACTION: Approve the Appointments.

Adjournment

Workshop to follow in Council Chambers

(ATTACHMENT 1 – CONSENT AGENDA ITEMS 1 THROUGH 23)

II. CITY COUNCIL CONSENT AGENDA ITEMS

1. Report of Board of Bids and Contracts dated April 29th and May 6, 2013.

a. Report of Board of Bids and Contracts.

RECOMMENDED ACTION: Receive and file report; approve Contracts;

authorize necessary signatures.

2. Applications for Licenses:

Renewal 2013 Address

Rhoda A Self After Dark Video 2809 North Broadway
Rhoda A Self After Dark Video 3721 South Broadway
Gail R Crump GS Entertainment/dba Adult Superstore 5858 South Broadway

RECOMMENDED ACTION: Approve the licenses.

3. Applications for Licenses to Retail Cereal Malt Beverages:

New 2013 (Consumption on Premises)

Mario A Quiroz Molino's Mexican Cuisine** 1064 North Waco

Renewal 2013 (Consumption on Premises)

Tom Monahan MacDonald Municipal Golf Course** 840 North Yale Michael Solomon L.W. Clapp Golf Course** 4611 East Harry

Steve Blaske Tex Consolver Golf Course** 1931 South Tyler Road Lawrence E Damm Family Homes Association** 3202 West 13th North

Renewal 2013 (Consumption off Premises)

Jeff Parker Kwik Shop #758*** 6327 East 13th North

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

4. <u>Preliminary Estimates:</u>

a. Preliminary Estimates.

RECOMMENDED ACTION: Receive and file.

^{*} Tavern (less than 50% of gross revenues from sale of food)

^{**}General/Restaurant (need 50% or more gross revenue from sale of food)

^{***}Retailer (Grocery stores, convenience stores, etc.)

5. Consideration of Street Closures/Uses.

a. Community Events - Ballet Wichita 5K. (Districts I, IV and VI)

b. Community Event - Bradley Fair Summer Concert. (District II)

RECOMMENDED ACTION: Approve the request subject to; (1) Hiring off-duty certified law enforcement

officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; and (3)

Securing a Certificate of Liability Insurance on file with the Community Events

Coordinator.

6. Agreements/Contracts:

a. City/County Agreement for Pump Station No.14. (District VI)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

7. Property Acquisitions:

- a. Partial Acquisition of land at 5618 West 29th Street for the 29th Street Ridge to Hoover Road Improvement Project. (Districts V and VI)
- b. Partial Acquisition of 511 West 36th Street North for the 36th Street Paving Project, Arkansas Avenue to Agnes. (District VI)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

8. Minutes of Advisory Boards/Commissions

Police and Fire Retirement System, February 27, 2013 Police and Fire Retirement System, March 27, 2013 Wichita Employees' Retirement System, March 20, 2013

RECOMMENDED ACTION: Receive and file.

9. Request for Letter of Intent Extension for Industrial Revenue Bonds, Residences at Linwood, LLC. (District III)

RECOMMENDED ACTION: Approve an extension to the Letter of Intent for Industrial Revenue Bonds to The

Residences at Linwood, LLC through June 30, 2014.

10. Weapons Destruction.

RECOMMENDED ACTION: Receive and file the list of weapons.

11. Abatement of Dangerous and Unsafe Structures. (Districts I, IV and VI)

RECOMMENDED ACTION: Approve the proposed assessments and place the ordinances on first reading.

12. <u>Resolution Authorizing Section 5307 Urbanized Area Formula Grant and Section 5339 Bus and Bus Facilities</u> Grant from the Federal Transit Administration.

RECOMMENDED ACTION: Adopt the resolution and authorize the necessary signatures.

13. Update of Intrust Bank Resolution.

RECOMMENDED ACTION: Adopt the resolution providing the City Manager and current Director of Finance

with authority for the preparation, execution and delivery of certain agreements

in connection with the City's banking services.

14. Fidelity Bank Resolutions.

RECOMMENDED ACTION: Adopt the resolutions updating the list of individuals authorized to execute

transactions with Fidelity Bank and authorize the necessary signatures.

15. Second Reading Ordinances: (First Read April 23, 2013)

a. Second Reading Ordinances.

RECOMMENDED ACTION: Adopt the Ordinances.

II. CONSENT PLANNING AGENDA ITEMS

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

16. <u>*ZON2013-00003 – City zone change from LC Limited Commercial ("LC") to GC General Commercial ("GC");</u> generally located north of Maple Street, on the east side of Sycamore Street. (District IV)

RECOMMENDED ACTION: Adopt the findings of the MAPC and approve the zone change, authorize the

Mayor to sign the ordinance and place the ordinance on first reading (simple

majority required).

17. *SUB2013-00001 -- Plat of City View Estates Addition located west of 135th Street West, south of Maple. (District IV)

RECOMMENDED ACTION: Approve the document and plat and authorize the necessary signatures.

18. *SUB2013-00003 -- Plat of Davis Moore 15th Addition located on the south side of Kellogg Drive, west of Rock Road. (District II)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures, and place

the Ordinance on first reading.

19. *SUB2012-00022 -- Plat of Fawson Acres Addition located on the southeast corner of Maple and 151st Street West. (District IV)

RECOMMENDED ACTION: Approve the document and plat and authorize the necessary signatures.

20. *SUB2012-00029 -- Plat of North High School 2nd Addition located west of Broadway, north of 13th Street North. (District VI)

RECOMMENDED ACTION: Approve the document and plat and authorize the necessary signatures.

21. *SUB2013-00007 -- Plat of Absolute Natural Stone Addition located on the south side of Kellogg, west of 127th Street East. (District II)

(PULLED PER VICE MAYOR MEITZNER)

II. CONSENT HOUSING AGENDA ITEMS

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Fern Griffith, Housing Member is also seated with the City Council.

None

II. CONSENT AIRPORT AGENDA ITEMS

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

22. *Jabara Road Reconstruction and T-Hangar Expansion - Grant Applications - Colonel James Jabara Airport.

RECOMMENDED ACTION: Approve the grant applications and receipt of funds, and authorize the Director of Airports to sign the documents related to the grant.

23. *WAA Report of Bids and Contracts dated May 6, 2013.

RECOMMENDED ACTION: Receive and file report; approve the contracts; and authorize the necessary signatures.

CITY OF WICHITA City Council Meeting May 7, 2013

TO: Mayor and City Council Members

SUBJECT: Memorandum of Understanding – Wichita Racial Profiling Advisory Board

INITIATED BY: Police Department

AGENDA: New Business

Recommendation: Approve the Memorandum of Understanding.

<u>Background</u>: *On June 12*, 2012, the City Council approved ordinance amendments creating a Community Advisory Board to provide assistance to *the* Wichita Police Department and City Council on racial and biased-based policing issues. <u>See</u>: Section 2.10.010 et. seq. The development of the board was required by state statutes dealing with racial profiling. At the same time, the City Council directed staff to work with a previously existing racial profiling board on a Memorandum of Understanding (MOU) to outline the continuing relationship between the existing board and the City of Wichita.

Since 2005, the Wichita Police Department has had a Citizens' Racial Profiling Board. The Board is composed of up to 21 citizen volunteer members. Due to the board's independent status, it has had limited interaction with the City Council. In late 2010, the City Manager restructured the City Manager's Review Board to expand its duties to include the review of completed Police Department investigations related to racial profiling and to review existing Police Department policies and procedures as directed by the City Manager.

<u>Analysis</u>: The City Council directed staff to develop a Memorandum of Understanding between the existing board and the Wichita Police Department to insure continued cooperation between the board and the Wichita Police Department on issues of racial profiling.

Members of the Racial Profiling Board, the Police Department, and the City Manager have developed the proposed Memorandum of Understanding.

<u>Financial Considerations</u>: The MOU is not expected to increase costs for the City. For any costs that may be incurred, staff will <u>attempt</u> to identify non-General Fund sources, or any expenditures could be funded from line item adjustments within the Police Department budget.

<u>Legal Considerations</u>: The MOU has been prepared and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the Memorandum of Understanding.

Attachment: Memorandum of Understanding – Wichita Racial Profiling Advisory Board.

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE CITY OF WICHITA AND THE WICHITA RACIAL PROFILING ADVISORY BOARD

This Memorandum of Understanding is entered into by and between the City of Wichita and the Racial Profiling Advisory Board of Wichita, hereinafter "the Board" for the purpose of continuing the collaborative efforts of the advisory board members and the City of Wichita to work toward addressing issues of racial profiling.

WHEREAS, the Board (formerly the Racial Profiling Advisory Board for the City of Wichita) was created in 2005 to meet state law requirements that communities develop independent citizen advisory boards to assist law enforcement agencies in addressing issues of racial profiling;

WHEREAS, in 2011, the Kansas Legislature amended state statutes regarding racial profiling, to require municipalities to create, by ordinance, an advisory board to provide assistance to law enforcement agencies to address racial profiling issues;

WHEREAS, the City of Wichita recognizes the value of continued interaction with an independent group of citizens to provide input and assistance in addressing racial profiling issues;

NOW, THEREFORE, the parties agree as follows:

I. Purpose and Scope

The purpose of this Memorandum of Understanding (MOU) is to clearly identify the roles and responsibilities of each party as they relate to providing a beneficial service to the people living and working in Wichita, Kansas and to continue to develop and expand a framework of cooperation between the Board and the City of Wichita, Kansas.

II. MOU Term

The term of this MOU commences upon the date signed. Thereafter, it shall be in force for two (2) fiscal calendar years. At which time, this MOU may be revised with the mutual agreement of both parties.

III. Relationship of Parties

It is agreed that the Board is an independent board and not an appointed board of the Wichita City Council. The Board's function shall be solely an advisory one to the Wichita Police Department and the City of Wichita. It shall have no power to mandate any action or expenditure by the City of Wichita or the Wichita Police Department.

IV. The City of Wichita Agrees to the following:

- 1. Provide to the Board copies of the minutes of meetings held by the City Manager's Review Board.
- 2. Provide at least one staff person from the Wichita Police Department who will attend meetings of the board and serve as the liaison between the Board and the City of Wichita.
- 3. Encourage cooperation between the Board and the City Managers Review Board to coordinate community outreach events.
- 4. Appoint three members of the Board as voting members of the City Manager's Review Board.
- 5. Prior to each meeting of the City Manager's Review Board, post the date, time and agenda on the City of Wichita website and provided electronically to Board Members.
- 6. City staff shall meet, during the period of this agreement with Board Members to provide information regarding the City of Wichita's ordinances and procedures for the appointment of board members.
- 7. The Board's civilian instructor shall be included in developing the Racial Profiling training to Wichita Police Department officers, during the curriculum building stage.
- 8. The Board shall review, provide input to and make recommendations to the annual WPD Racial and Other Biased Based Policing Training, at least 60 days prior to implementation.

- 9. Should the Wichita Police Department return to a locally initiated and "in-class" curriculum the Racial Profiling Advisory Board's civilian instructor shall be included in developing, implementing and presenting the training.
- 10. With the exception of limited tactical and personnel policies, Wichita Police Department's Policies and Regulations shall be available for review by the public on the internet.
- 11. The Wichita Police Department will solicit and consider input from the public, and the board, via the internet, prior to the revision or adoption of any policy, with the exception of limited tactical and personnel policies.
- 12. The quarterly report of all racial profiling and excessive force complaints will be made available by the WPD on the internet for public review.
- 13. The Board, the Fraternal Order of Police and the Wichita Police Department will work with Wichita State University to create a mutually agreeable system of data collection and analysis of Wichita Police Department vehicle stops.

V. The Board agrees as follows:

- 1. Upon request, provide minutes of its meetings to the City Manager's Review Board.
- 2. Cooperate with the City Manager's Review Board to coordinate community outreach events.
- 3. All meetings of the Board shall be open to the public.
- 4. Meet in accordance to its bylaws and procedures, once they are revised.
- 5. Include participants who reflect the racial and ethnic community.
- 6. Advise and assist in policy development, education and community outreach and communications related to racial profiling by law enforcement officers and agencies.
- 7. The board will monitor and review selected policies and provide input to the WPD prior to the revision date.

VI. Modification

Modifications to this agreement shall be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by authorized officials of both parties, prior to any changes being made.

VII. Participation in Outreach Activities

This agreement in no way restricts the Board from participating in outreach with public agencies, other community organizations and individuals. Nor does it restrict their ability to apply or receive community outreach grants.

IN WITNESS WHEREOF, the parties hereto have exwritten date.	xecuted this agreement as of the following
City Manager City of Wichita	Date
Racial Profiling Advisory Board of Wichita	Date

City of Wichita City Council Meeting May 7, 2013

TO: Mayor and City Council

SUBJECT: Naming of a Portion of the Multi-Use Trail (District III)

INITIATED BY: Department of Park and Recreation

AGENDA: New Business

Recommendations: Approve the naming of a portion of the multi-use trail.

<u>Background:</u> Phil Lambke served as a Council Member for District III for two terms and while on the bench was instrumental in helping to create new parks and paths within District III. The Board of Park Commissioners heard a request to name a portion of the multi-purpose pathway between Garvey Park and Chapin Park in District III on March 4, 2013. The request was from Council Member James Clendenin. Upon review of the qualifications and documentation presented in support of this request, The Board of Park Commissioners voted unanimously to name the path between Garvey Park and Chapin Park "Phil Lambke Pathway."

<u>Analysis:</u> City Council Policy #13 establishes the Board of Park Commissioners as the official naming committee for parks, recreation facilities, pathways, and golf courses. It was determined by the Board that the requirements set forth in City Council Policy #13 were met by this request, including but not limited to: the person being considered for the honor is deceased; he contributed to the creation of the pathways through his action as a Council Member, and was remembered for his actions after his death.

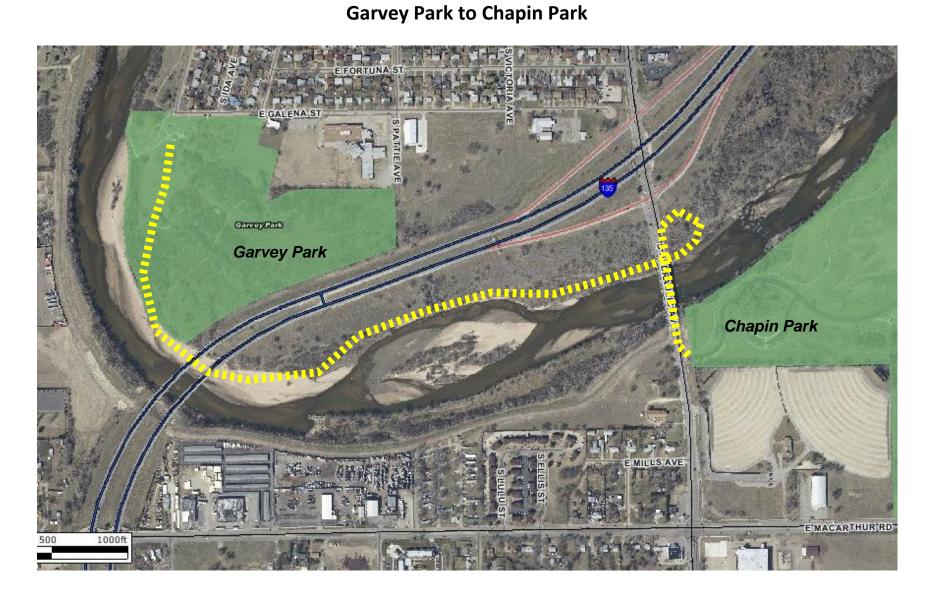
<u>Financial Considerations</u>: There will be minimal impact to the General Fund through the in-house manufacture of two signs to be placed at either end of the pathway.

<u>Legal Considerations</u>: The Law Department has reviewed and approved the action as valid and in compliance with City Council Policy #13.

Recommendation/Actions: It is recommended that the City Council approve the naming of the path between Garvey Park and Chapin Park "Phil Lambke Pathway."

Attachments: Aerial Map.

Phil Lambke Pathway



City of Wichita City Council Meeting May 7, 2013

TO: Mayor and City Council

SUBJECT: Petition for Paving Improvements to serve NewMarket V Addition (District V)

INITIATED BY: Department of Public Works & Utilities

AGENDA: New Business

Recommendation: Approve the design concept, revised petition and amending resolution.

Background: On August 5, 2008, the City Council approved a petition and resolution to construct turning lanes along Maize Road to serve NewMarket V Addition. The developer has submitted a revised petition with an increased budget to include area drainage improvements along Maize Road, as well as additional paving improvements to the south. The signature on the petition represents 100% of the improvement district area.

<u>Analysis</u>: The project will provide southbound right and northbound left turn lanes and drainage improvements within Maize Road right-of-way. The drainage improvements will serve the new commercial development on Maize Road south of 29th Street North, as well as the 29th and Maize intersection and Maize Road itself. The project will also include improvements to Maize Road south of the development to provide proper final lane configurations, as well as sidewalk along the west side.

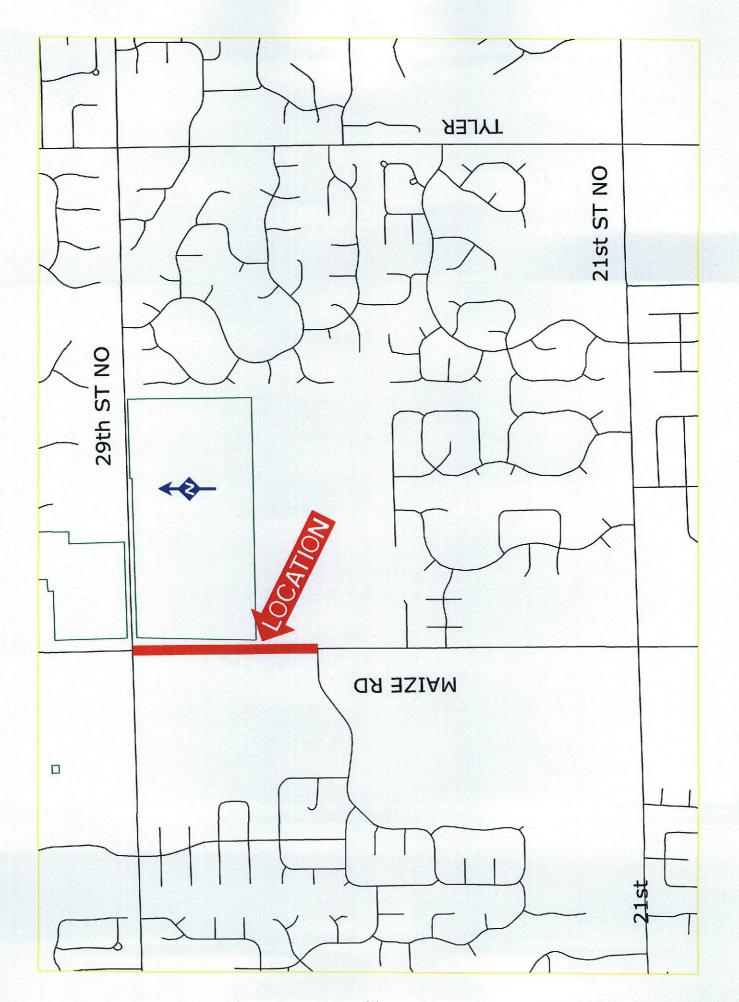
<u>Financial Considerations</u>: The existing petition totals \$460,000. The new petition totals \$1,275,000, with \$475,000 assessed to the improvement district and \$800,000 paid by the City. *Funding is available in the 2011-2020 Adopted Capital Improvement Program by deferring construction on the Patrol West Substation project currently budgeted in 2014.* The funding source is General Obligation bonds.

<u>Legal Considerations</u>: The petition and amending resolution have been reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the design concept and petition, adopt the amending resolution, and authorize the necessary signatures.

<u>Attachments:</u> Map, petition, CIP sheet, and amending resolution.

					Date			Date
					3			1- • • · · · · · · · · · · · · · · · · ·
Division Head		Department 1			Budget Officer			City Manager
13. Recommendation: Appro	ve the petitio	on and adopt t	he resolution		•			
Total Prelim. Estimate]			
Total CIP Amount Budgeted								
Totals	\$800,000	\$475,000		\$1,275,000)	472-84607		
Other								
Water								
Sidewalk					Remarks:			
Sanitary Sewer						,		·
Drainage					Ore	dered by WCC		
Bridge & Culverts					Pet	ition	X	
Paving, grading & const.	\$800,000	\$475,000		\$1,275,000	Lot	Split		
Right of Way					Pla	tting Required		
ITEM	GO	SA	KDOT	TOTAL		_	Yes	No
	12. Projec	t Cost Estimate		ļ	12A.			
As Required	As Required	Compiction Date	•	11. Troject Reviseu				
NI- 9. Estimated Start Date	10. Estimated	Completion Date		11. Project Revised				
3. CH Troject Number	o. Accounting	, rumber	2013		o. Approved by v	vec Date		
Public Works & Utilites 5. CIP Project Number			4/10/2013 7. CIP Project	Paving and Drainage Improvements in Newmarket V Addition t Date (Year) 8. Approved by WCC Date				
1. Initiating Department 2. Initiating Division 3. Date 4			4. Project Description	4. Project Description & Location				
						o. Sena sia	copy to Con	noner.
						Return 2nSend 3rd		itiating department.
CITY	OF WICH	IITA		· ·		4. File origin	nal w/ initiat	ing resolution in City Clerk.
IROSECT	ACTION	ZATION		To Revise Project	X	City Man	_	
PROJECT	AUTHORI	IZATION		USE: To Initiate Project		Prepare in Sand original		ies to budget.
CAPITAI	IMPROV	EMENT						



MAIZE ROAD - PAVING AND DRAINAGE IMPROVEMENTS PETITION ENGINEERING (03/28/13)

To the Mayor and City Council Wichita, Kansas

Dear Council Members:

1. We, the undersigned owners of record as below designated of Lots. P Tracts of real property described as follows:

NEWMARKET V ADDITION Lot 1, Block 1

do hereby petition pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended as follows:

47.2-84607 (a) (South of 2941.54. Morth, West of (b)

That there be constructed Paving and Drainage Improvements to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.

Maize)

- That the estimated and probable cost of the foregoing improvements being (\$1,275,000.00), with 37.25 percent payable by the improvement district and 62.75 percent payable by the City of Wichita. Said estimated cost as above set forth is hereby increased at the pro rata rate of 1 percent per month from and after April 1, 2013.
- That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign. repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

(d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a percentage basis:

That Lot 1, Block 1, NewMarket V Addition shall pay 100% of the cost being assessed to the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

- 2. It is requested that the improvement hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04.
- 3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.
- 4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County. Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use if and when such improvements are necessary to serve any building which may be constructed on the real property after the date on this petition.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

NEWMARKET V ADDITION

NEWMARKET V ADDITION

NEWMARKET V LLC

BLOCK 1

Lot 1

By: 4/2/2013

Jerty Jones, Vice President

FCEIVE None 2001

AFFIDAVIT

The undersigned, being first duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be to the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

Julianne Kallman Name

455 N. Main
Address

768-4236 Telephone Number

Sworn to and subscribed before me this 31 day of april , 20 13.

When Auberl, Meller

Deputy City Clerk

First Published in the Wichita Eagle on May 10, 2013

RESOLUTION NO. 13-073

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVING AND DRAINAGE IMPROVEMENTS (SOUTH OF 29TH ST. NORTH, WEST OF MAIZE) 472-84607 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVING AND DRAINAGE IMPROVEMENTS (SOUTH OF 29TH ST. NORTH, WEST OF MAIZE) 472-84607 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

- SECTION 1. That Resolution No. 08-412 adopted on August 5, 2008 is hereby rescinded.
- SECTION 2. That it is necessary and in the public interest to authorize constructing paving and drainage improvements (south of 29th St. North, west of Maize) 472-84607.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to **One Million Two Hundred Seventy-Five Thousand Dollars** (1,275,000) exclusive of the cost of interest on borrowed money, with 37.25 percent payable by the improvement district and 62.75 percent payable by the City of Wichita. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **April 1**, 2013 exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

NEWMARKET V ADDITION

Lot 1, Block 1

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **percentage** basis.

Lots 1, Block 1, <u>NEWMARKET V ADDITION</u>, shall pay 100% of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

- SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.
- SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.
- SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.
- SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said

publication.	
PASSED by the governing body of the City of Wi	ichita, Kansas, this 7th day of May, 2013.
ATTEST:	CARL BREWER, MAYOR
KAREN SUBLETT, CITY CLERK	
(SEAL)	
APPROVED AS TO FORM:	
GARY E. REBENSTORF DIRECTOR OF LAW	

City of Wichita City Council Meeting May 7, 2013

TO: Mayor and City Council

SUBJECT: Repair or Removal of Dangerous & Unsafe Structures

(District VI)

INITIATED BY: Metropolitan Area Building and Construction Department

AGENDA: New Business

Recommendations: Adopt the resolution.

Background: On March 26, 2013, a report was submitted with respect to the dangerous and unsafe conditions on the property listed below. The City Council adopted a resolution providing for a public hearing to be held on the condemnation actions at 9:30 a.m. or soon thereafter, on May 7, 2013.

<u>Analysis:</u> On March 4, 2013, the Board of Building Code Standards and Appeals (BBCSA) held hearings on the property listed below

Property Address
a. 3038 N Park Pl

Council District

VI

Detailed information/analyses concerning these properties are included in the attachments.

Financial Considerations: Structures condemned as dangerous buildings are demolished with funds from the Metropolitan Area Building and Construction Department Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional \$500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

<u>Legal Considerations:</u> The resolutions and notices of hearing was reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council close the public hearing, adopt the resolutions declaring the buildings to be dangerous and unsafe structures, and accept the BBCSA recommended actions to proceed with condemnation, allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair any structures would be contingent on the following: (1) All taxes have been paid to date as of May 7, 2013; (2) the structures have been secured as of May 7, 2013, and will continue to be kept secured; and (3) the premises are mowed and free of debris as of May 7, 2013, and will be so maintained during renovation.

If any of the above conditions are not met, the Metropolitan Area Building and Construction Department will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owner of these findings.

<u>Attachments:</u> Memorandums to Council, case summaries, and resolution.

DATE: April 24, 2013

CDM SUMMARY

COUNCIL DISTRICT # VI

ADDRESS: 3038 N PARK PLACE

LEGAL DESCRIPTION: LOTS 9, 10 AND 11, BLOCK 27, JONES PARK ADDITION TO WICHITA, SEDGWICK COUNTY KANSAS

DESCRIPTION OF STRUCTURE: A two story frame dwelling about 38 x 25 feet in size. Vacant and open, this structure is badly damaged by fire. It has rotted and missing masonite siding; badly worn composition roof with missing shingles; exposed, fire damaged framing members; and fire damaged and rotted fascia and wood trim.

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

- A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.
- B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.
- C. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.
- D. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

		_
Director of Metropolitan Area Building and Construction Department Enforcing Officer	Date	

DATE: April 24, 2013

BCSA GROUP #3

ADDRESS: 3038 N PARK PLACE

ACTIVE FIELD FILE STARTED: April 14, 2005

NOTICE(S) ISSUED: Since April 14, 2005, there have been several notice of improvements and numerous violation notices issued. In September 2009, a neighborhood nuisance case was initiated which was complied by owner as a result of court action. In October 2009, a tall grass and weeds case was initiated, resulting in City of Wichita contractor abatement. In October 2012, a neighborhood nuisance case was initiated resulting in owner compliance. It should be noted that this property has been the subject of neighborhood court.

PRE-CONDEMNATION LETTER: March 13, 2012

TAX INFORMATION: The 2012 taxes are delinquent in the amount of \$500.11, which includes specials and interest.

COST ASSESSMENTS/DATES: There is a 2010 special assessment for weed cutting, in the amount of \$129.91, which includes interest.

PREMISE CONDITIONS: The premises are maintained.

VACANT NEGLECTED BUILDING REPORT: None.

CENTRAL INSPECTION NUISANCE ABATEMENT REPORT: 2010 Weed mowing in the amount of \$124.00.

POLICE REPORT: Since August 2010, there have been one burglary, one battery, two destruction of auto, one destruction of property and one larceny B reports at this property.

FORMAL CONDEMNATION ACTION INITIATED: October 29, 2012

RECENT DEVELOPMENTS: No repairs. The structure is secure.

HISTORIC PRESERVATION REPORT: No Impact.

OWNER'S PAST CDM HISTORY: None.

BOARD OF B.C.S.&A. RECOMMENDATION: At the March 4, BBCSA hearing, no one appeared to represent the property. Board Member Harder made a motion to submit the property to the City Council with a recommendation of condemnation, with ten days to begin razing the structure and ten days to complete the wrecking. Board Member Willenberg seconded the motion. The motion passed.

STAFF RECOMMENDATION/REMARKS: Adopt the recommendation of the Board of Building Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

City of Wichita City Council Meeting May 7, 2013

TO: Mayor and City Council

SUBJECT: ZON2013-00002 – City zone change request from LC Limited Commercial

("LC") to GC General Commercial ("GC"), subject to Protective Overlay ("PO") PO#273 on property located at the southeast corner of South West Street and 47th

Street South (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

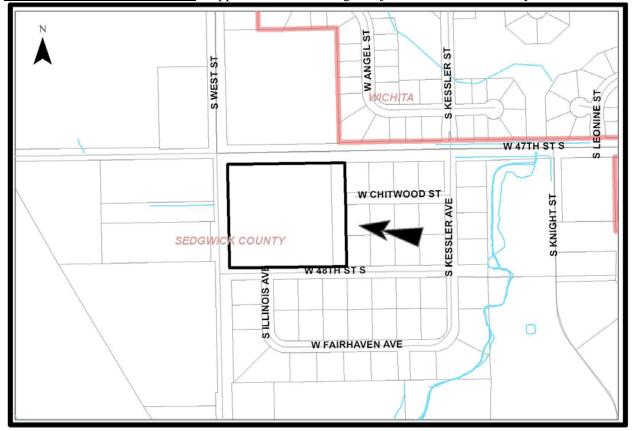
MAPC Recommendation: The MAPC recommended approval of the zone change subject to Protective

Overlay #273 (10-0-1).

<u>DAB Recommendation</u>: None, the application began as a Sedgwick County case and was annexed after

the MAPC hearing.

MAPD Staff Recommendation: Approve the zone change subject to Protective Overlay #273.



Background: The application area is 6.91 vacant, unplatted LC Limited Commercial ("LC") zoned acres located at the southeast corner of West 47th Street South and South West Street. The site's LC zoning was established in 1958 as part of a City of Wichita three-mile ring extra-territorial zoning action, and has remained undeveloped. It is Planning staff's understanding the property was recently sold at auction and the new owner believes rezoning the property to GC General Commercial ("GC") subject to Protective Overlay ("PO") #273 would attract new interest in the site.

The application area is located on the southern end of the South West Street corridor located south of Kellogg to 47th Street South that has significant amounts of LI zoning. The South West Street corridor south of I-235 has a mix of: LI Limited Industrial "LI"), LC, MH Manufactured Home ("MH"), TF-3 Two-family Residential ("TF-3") and SF-20 Single-family Residential ("SF-20") zoning. Limited Industrial zoning is the predominate zoning north of the subject site, south of I-235. As a result of the mix of zoning there is a mix of uses ranging from vacant land, County maintenance yard, single-family residential and duplex residences. South of the application area the land is zoned for residential uses and there are large tracts developed with single-family residences.

This application began as a Sedgwick County case; however, the property was annexed by the City of Wichita at the owner's request on April 9, 2013.

<u>Analysis</u>: At the Metropolitan Area Planning Commission (MAPC) meeting held March 7, 2013, the MAPC voted (10-0-1) to recommend approval of GC zoning subject to platting within one year and the following amended Protective Overlay #273:

- A. The development parcel contains 6.91 acres, more or less.
- B. Prohibited uses: group residence, general and limited; correctional placement residences, limited and general; kennel, boarding, breeding or training and hobby; riding academy or stable, tattooing and body piercing facility.
- C. The transfer of title on all or any portion of the land included in the development does not constitute the termination of the overlay or any portion thereof; but said overlay shall run with the land for development and be binding upon the present land owners, their successors and assigns and their lessees unless amended. However, the Planning Director, with the concurrence of the Director of the Metropolitan Area Building and Construction Department, may approve minor adjustments to the conditions of this overlay, consistent with the approved development plan.
- D. Landscape and Parking Lot screening shall be in accordance with the City of Wichita Landscape Ordinance. A landscape plan, prepared by a landscape architect licensed in the State of Kansas, indicating the location, type and specification of plant material shall be submitted to the Planning Department for their review and approval prior to the issuance of any building permit(s).
- E. Minimum Setback Requirements:

Front Setback 20 feet Side Setback 0 feet Rear Setback 0 feet

Irrespective of the setbacks listed above, there shall be a minimum building setback of 35 feet along the east property line.

- F. All signs shall be per City Code for property zoned GC except that the CUP standards for signage shall control if in conflict with the Sign Code.
- G. Parking shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code.
- H. An owners association agreement providing for the maintenance of reserves, open spaces, internal devices, parking areas, drainage areas, etc., shall be filed by the time the plat is filed of record.
- I. All drainage ways and easements shall be determined at the time of platting.
- J. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

- K. A six to eight foot masonry screening wall is required along the east property line. A six to eight foot screening fence shall be required along the rear or side lot line that has frontage along a public street that has residential zoning on the opposite side of the street.
- L. Access control shall be established at the time of platting; however, West 48th Street South shall not be used as access to the site for any nonresidential uses unless the street is paved.
- M. Drainage requirements shall be established at the time of platting.
- N. All buildings with the subject site shall share similar architectural character, colors and construction materials and utilize similar light standards and fixtures.
- O. Unless modified by the Protective Overlay, all the applicable development standards of Article III, Section III-C.2 CUP Community Unit Plan Overlay District of the UZC shall apply as well as other applicable code required development standards.

Staff received one protest letter that equals .66 percent of the protest area. The author of the protest letter was concerned that the zone change would increase traffic on neighborhood streets, increase property taxes and encourage the annexation of the residential lots located east and south of the application area. Since the protest percentage is less than 20 percent, the request can be approved by simple majority.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

<u>Legal Considerations</u>: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: 1) Adopt the findings of the MAPC and approve the zone change request to GC subject to the MAPC recommended Protective Overlay #273, authorize the Mayor to sign the ordinance and withhold publication of the ordinance until the plat has been recorded (simple majority required); 2) deny the requested zone change (two-thirds majority required) or 3) return the application to the MAPC for further consideration (simple majority required).

Attachments: MAPC minutes, ordinance, protest map and Betty Gore letter.

ORDINANCE NO. 49-492

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2013-00002

A zone change from LC Limited Commercial ("LC") to GC General Commercial, subject to Protective Overlay ("PO") #273, on property described as:

Beginning at the northwest corner of the Northwest Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence East along the north line of said quarter section to the west line of the Third Addition to Chitwood Estates, Sedgwick County, Kansas; thence South along the west line of said addition 570 feet; thence West parallel with the north line of said quarter section and along the north line of 48th Street South as platted in the Fourth Addition to Chitwood Estates, Sedgwick County, Kansas, 624.25 feet to the west line of the quarter section; thence North 570 feet to the place of beginning, all in Sedgwick County, Kansas, generally located at the southeast corner of South West Street and 47th Street South.

SUBJECT TO THE FOLLOWING PROVISIONS OF PO #273:

- A. The development parcel contains 6.91 acres, more or less.
- B. Prohibited uses: group residence, general and limited; correctional placement residences, limited and general; kennel, boarding, breeding or training and hobby; riding academy or stable, tattooing and body piercing facility.
- C. The transfer of title on all or any portion of the land included in the development does not constitute the termination of the overlay or any portion thereof; but said overlay shall run with the land for development and be binding upon the present land owners, their successors and assigns and their lessees unless amended. However, the Planning Director, with the concurrence of the Director of the Metropolitan Area Building and Construction Department, may approve minor adjustments to the conditions of this overlay, consistent with the approved development plan.
- D. Landscape and Parking Lot screening shall be in accordance with the City of Wichita Landscape Ordinance. A landscape plan, prepared by a landscape architect licensed in the State of Kansas, indicating the location, type and specification of plant material shall be submitted to the planning department for their review and approval prior to the issuance of any building permit(s).
- E. Minimum Setback Requirements:

Front Setback 20 feet Side Setback 0 feet Rear Setback 0 feet

- F. All signs shall be per City Code for property zoned GC except that the CUP standards for signage shall control if in conflict with the Sign Code.
- G. Parking shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code.
- H. An owners association agreement providing for the maintenance of reserves, open spaces, internal devices, parking areas, drainage areas, etc., shall be filed by the time the plat is filed of record.
- I. All drainage ways and easements shall be determined at the time of platting.
- J. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 14th day of May, 2013.

ATTEST:

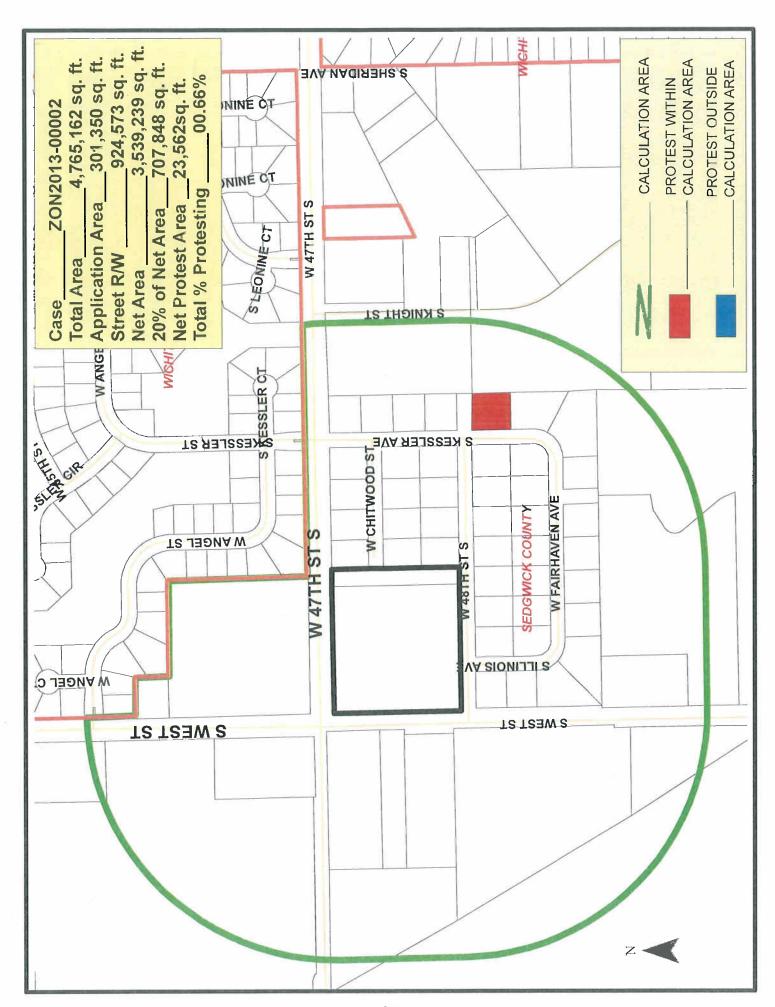
Karen Sublett, City Clerk

Carl Brewer, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, Director of Law



27-13 MAPC

HAND OUT

ITEM#4

J-25-13 77 APC ZON2013-02

MAR 0 6 2013,

BY: KU

Sentlemen !

Thank you for the notification for Zoning Changes for our area. As a resident à 4900 So. Hessler of over 40 years I strongly object. We have children in this small neighborhood - we don't need any more traffic and we enjoy our courty takes. If this neoula bring our area into the city. if would force some of us to sell & that's what I'm spraid Has a nevent widow - Scouldnit Afford to pay speacies for upgrades. That little piece of land should have houses suit on it, otherwise sur house values go way down.

Shank you!

Mrs. Betty Gere 4900 S. Hessler Wichita K5. 67217 38 316-522-3507

EXCERPT MINUTES OF THE MARCH 7, 2013 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: ZON2013-02 - West 47 LLC/K.E. Miller engineering, P.A. request County request for a zone change from LC Limited Commercial to GC General Commercial on property described as:

Beginning at the northwest corner of the Northwest Quarter of Section 24, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence East along the north line of said quarter section to the west line of the Third Addition to Chitwood Estates, Sedgwick County, Kansas; thence South along the west line of said addition 570 feet; thence West parallel with the north line of said quarter section and along the north line of 48th Street South as platted in the Fourth Addition to Chitwood Estates, Sedgwick County, Kansas, 624.25 feet to the west line of the quarter section; thence North 570 feet to the place of beginning, all in Sedgwick County, Kansas.

BACKGROUND: The application area is 6.91 vacant, unplatted LC Limited Commercial ("LC") zoned acres located at the southeast corner of West 47th Street South and South West Street. The site's LC zoning was established in 1958 as part of a City of Wichita three-mile ring extra-territorial zoning action, and has remained undeveloped. It is Planning staff's understanding the property was recently sold at auction and the new owner believes rezoning the property to GC General Commercial ("GC") subject to a Protective Overlay ("PO") would attract new interest in the site.

The applicant is requesting GC zoning subject to the following PO:

- A. The development parcel contains 6.91 acres, more or less.
- B. Prohibited uses: group residence, general and limited; correctional placement residences, limited and general; kennel, boarding, breeding or training and hobby; riding academy or stable, tattooing and body piercing facility.
- C. The transfer of title on all or any portion of the land included in the development does not constitute the termination of the overlay or any portion thereof; but said overlay shall run with the land for development and be binding upon the present land owners, their successors and assigns and their lessees unless amended. However, the Planning Director, with the concurrence of the Director of the Metropolitan Area Building and Construction Department, may approve minor adjustments to the conditions of this overlay, consistent with the approved development plan.
- D. Landscape and Parking Lot screening shall be in accordance with the City of Wichita Landscape Ordinance. A landscape plan, prepared by a landscape architect licensed in the State of Kansas, indicating the location, type and specification of plant material shall be submitted to the planning department for their review and approval prior to the issuance of any building permit(s).
- E. Minimum Setback Requirements:

Front Setback 20 feet

Side Setback

0 feet

Rear Setback

0 feet

- F. All signs shall be per City Code for property zoned GC except that the CUP standards for signage shall control if in conflict with the Sign Code.
- G. Parking shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code.

- H. An owners association agreement providing for the maintenance of reserves, open spaces, internal devices, parking areas, drainage areas, etc., shall be filed by the time the plat is filed of record.
- I. All drainage ways and easements shall be determined at the time of platting.
- J. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

The applicant also proposes to substitute a fence in place of the code required masonry wall abutting residential zoning.

The application area is located on the southern end of the South West Street corridor located south of Kellogg to 47th Street South that has significant amounts of LI zoning. The South West Street corridor south of I-235 has a mix of: LI Limited Industrial "LI"), LC, MH Manufactured Home ("MH"), TF-3 Two-family Residential ("TF-3") and SF-20 Single-family Residential ("SF-20") zoning. Limited Industrial zoning is the predominate zoning north of the subject site, south of I-235. As a result of the mix of zoning there is a mix of uses ranging from vacant land, County maintenance yard, single-family residential and duplex residences. South of the application area the land is zoned for residential uses and there are large tracts developed with single-family residences.

CASE HISTORY: The property was zoned LC in 1958.

ADJACENT ZONING AND LAND USE:

North: TF-3, LC, LI; two-family residential, undeveloped, Sedgwick County maintenance yard

South: SF-20; single-family residences SF-20; single-family residences East:

West: LC; single-family and a nightclub

PUBLIC SERVICES: West 47th Street South has 50 feet of half-street right-of-way along the subject site's northern frontage. Currently, 47th Street is a paved two-lane road. South West Street has 40 feet of half-street right-of-way along the subject site's western frontage. Currently, South West Street is a paved two-lane road. The County standard for section-line arterial roads is 60 feet of half-street right-of-way widening out to 75 feet of half-street right at the intersection. West 48th Street South, located along the southern boundary of the subject tract, is a two-lane sand and gravel residential street with 30 feet of halfstreet right-of-way. It appears that a sand and gravel cul-de-sac for West Chitwood Street has been constructed on the subject tract. A public water main is located along the west side of South West Street, across from the subject property. A sanitary sewer main is located along the north side of West 47th Street South.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "local commercial" uses. Local commercial uses include concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited basis, these areas may also include mini-storage warehousing and small scale, light manufacturing uses.

The Wichita-Sedgwick County Unified Zoning Code ("UZC") requires properties held under unified control that are zoned LC or GC to be subject to the UZCs Community Unit Plan ("CUP") Overlay or a Protective Overlay.

RECOMMENDATION: Based on the information available at the time the report was completed, staff recommends the request for GC General Commercial zoning subject to the development standards contained in the Protective Overlay be approved subject to platting within one year of approval:

- A. The development parcel contains 6.91 acres, more or less.
- B. Prohibited uses: group residence, general and limited; correctional placement residences, limited and general; kennel, boarding, breeding or training and hobby; riding academy or stable, tattooing and body piercing facility.
- C. The transfer of title on all or any portion of the land included in the development does not constitute the termination of the overlay or any portion thereof; but said overlay shall run with the land for development and be binding upon the present land owners, their successors and assigns and their lessees unless amended. However, the Planning Director, with the concurrence of the Director of the Metropolitan Area Building and Construction Department, may approve minor adjustments to the conditions of this overlay, consistent with the approved development plan.
- D. Landscape and Parking Lot screening shall be in accordance with the City of Wichita Landscape Ordinance. A landscape plan, prepared by a landscape architect licensed in the State of Kansas, indicating the location, type and specification of plant material shall be submitted to the planning department for their review and approval prior to the issuance of any building permit(s).
- E. Minimum Setback Requirements:

Front Setback 20 feet

Side Setback 0 feet

Rear Setback 0 feet

Irrespective of the setbacks listed above, there shall be a minimum building setback of 35 feet along the east property line.

- F. All signs shall be per City Code for property zoned GC except that the CUP standards for signage shall control if in conflict with the Sign Code.
- G. Parking shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code.
- H. An owners association agreement providing for the maintenance of reserves, open spaces, internal devices, parking areas, drainage areas, etc., shall be filed by the time the plat is filed of record.
- I. All drainage ways and easements shall be determined at the time of platting.
- J. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- K. A 6 to 8-foot masonry screening wall is required along the east property line. A 6 to 8-foot screening fence shall be required along the rear or side lot line that has frontage along a public street that has residential zoning on the opposite side of the street.

- L. Access control shall be established at the time of platting; however, West 48th Street South shall not be used as access to the site for any nonresidential uses unless the street is paved.
- M. Drainage requirements shall be established at the time of platting.
- N. All buildings with the subject site shall share similar architectural character, colors and construction materials and utilize similar light standards and fixtures.
- O. Unless modified by the Protective Overlay, all the applicable development standards of Article III, Section III-C.2 CUP Community Unit Plan Overlay District of the UZC shall apply as well as other applicable code required development standards.

This recommendation is based on the following findings:

- The zoning, uses and character of the neighborhood: The application area is located on the southern end of the South West Street corridor located south of Kellogg that has significant amounts of LI Limited Industrial ("LI") zoning. The South West Street corridor south of I-235 has a mix of: LI, LC, MH Manufactured Home ("MH"), TF-3 Two-family Residential ("TF-3") and SF-20 Single-family Residential ("SF-20") zoning. Limited Industrial zoning is the predominate zoning north of the subject site, south of I-235. As a result of the mix of zoning there is a mix of uses ranging from vacant land, County maintenance yard, single-family residential and duplex residences. South of the subject site there are a number of large lots developed with residential uses zoned a mix of SF-20 and SF-5 Single-family Residential ("SF-5").
- 2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC which permits a wide range of residential, office and retail commercial uses. LC zoned property is usually a sought after commodity. The fact that the property is unplatted may be responsible for its undeveloped status. The corner lots located to the north and west are also zoned LC. The LC lot to the north is vacant while the LC property to the west is developed with a nightclub. The lot to the northwest is developed with a County maintenance yard and is zoned LI. Once platted the existing LC zoning might make the site more attractive.
- 3. Extent to which removal of the restrictions will detrimentally affect nearby property:
 Surrounding property is a mix of zoning and uses; ranging from LI to SF-20, which permit a
 County maintenance yard and single-family residences. GC zoning would allow more intense
 uses when compared to the LC district, such as "vehicle sales," "monument sales," "RV
 campground" "printing and publishing, general" "recreation and entertainment, outdoor,"
 "vehicle repair, general," manufacturing, general" or a "welding or machine shop." However, the
 proposed development standards are recommended as a way to limited detrimental impacts.
- 4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Presumably the applicant could experience an economic loss since the property has sat vacant all this time as currently zoned. Approval would permit more intense uses closer to the residences; however, approval might also eliminate a vacant piece of ground.
- 5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for "local commercial" uses. Local commercial uses include concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw.

The range of uses includes medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited basis, these areas may also include mini-storage warehousing and small scale, light manufacturing uses.

- 6. <u>Length of time the property has remained vacant as currently zoned</u>: The property has sat vacant as currently zoned since 1958.
- 7. <u>Impact of the proposed development on community facilities</u>: At the time of platting additional right-of-way will be requested to meet current street and intersection standards. Existing facilities or facilities required as a condition of platting should limit any negative impact on existing services.

DALE MILLER, Planning Staff presented the Staff Report.

FOSTER referenced Condition E. related to setbacks. He said he thought Protective Overlays (PO's) were generally more restrictive; however, the setbacks listed meet General Commercial GC zoning guidelines. He asked the reason for that and put for the idea of a 35-foot setback on east side.

MILLER mentioned that the vacant lot adjacent to the site is unplatted and it was his understanding that the site will be platted as one giant lot but as the intended use is unknown at this point in time, he was trying to account for any possible lot splits in the future that may front different directions. He said he wanted to protect homes to the east and along 47th Street. He said that is why he required a wooden fence along 47th street and a masonry fence on the east side of the property.

ALDRICH asked staff to explain the 3-mile zoning.

MILLER explained that the City does not have that provision anymore but added that State Statute allows cities to review and pass on zoning within 3 miles of their city limits.

ALDRICH asked if they were looking at possible annexation in the future.

MILLER said they have filed a request for annexation.

ALDRICH asked why because the surrounding property is still in the County.

MILLER referred to the pink line on the aerial and said if you are on one side of the street, you can annex the other side of the street. In addition, he said the applicant referenced the City of Wichita Landscape Ordinance in their Protective Overlay. He added that the applicant is going to want City services.

ALDRICH asked who was pushing for annexation, staff or the applicant.

MILLER said any time a plat is eligible to be annexed, it has been City policy to request annexation at the time of platting.

ALDRICH asked does that absolutely, positively have to happen.

MILLER said you could make the argument that it is unnecessary; however, that has been the policy and the practice.

ALDRICH commented that this looks like an island annexation, especially looking at the surrounding property.

DENNIS asked staff to speak about item K. on the protective overlay regarding the recommendation of the masonry wall as opposed to the fencing the applicant requested.

MILLER said the agent was present but he believes the applicant has agreed to the masonry wall. He said he quoted what the applicant requested and showed what staff recommended in the Staff Report.

KIRK MILLER, K.E. MILLER, AGENT FOR APPLICANT, 516 S. MARKET said they agree with staff comments and the masonry wall. He said the reasons they are looking at rezoning the property is because uses they are looking at could require outdoor storage and warehousing which are not allowed in Limited Commercial LC zoning. He said there may be some concerns about outdoor storage, but said they are looking more at storage of equipment, materials and other items of value. He added that the site would be secured for the uses they are looking at.

G. SHERMAN asked if the stored items would be taller than 6-8 feet.

MILLER said they don't have a user for the location yet; however, construction types of items probably wouldn't extend above a fence but pieces of machinery may.

ALDRICH asked about annexation of the property

K. MILLER said the City asked for annexation so they submitted the application. He said if they need to be annexed to get City services, then they need to be annexed.

DENNIS verified that they would install the masonry wall.

MARTHA FINLEY, 4910 S. ILLINOIS mentioned that all the homes to the south of the lot are on wells and they are concerned about groundwater contamination.

K. MILLER pointed out that across the street there is industrial zoning and to the east of the location there are some commercial buildings. He said the request is not out of character with some of the surrounding area. He added that this location has been zoned Limited Commercial LC since 1958. He said it was platted a long time before anything happened in the area.

CHAIRMAN DENNIS said he didn't know if Mr. Miller could answer the question Ms. Finely brought up.

K. MILLER said he believed the Health Department would have issues with any uses that might contaminate the groundwater. He said they also have to have interior stormwater treatment on site and stormwater detention, etc.

MOTION: To approve subject to staff recommendation.

MITCHELL moved, MCKAY seconded the motion, and it carried (10-0-1). JOHNSON – Abstained.

PRELIMINARY ESTIMATES FOR CITY COUNCIL MAY 7, 2013

a. Lateral 8, Main 18 Four Mile Creek Sewer to serve Bellechase 3rd Addition (north of Harry, east of 127th Street East) (468-84858/744345/480037) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$157,000.00

TO: Mayor and City Council

SUBJECT: Community Events – Ballet Wichita 5K (Districts I, IV and VI)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: Consent

Recommendation: Approve the request for temporary street closures.

<u>Background</u>: In accordance with the Community Events procedure the event promoter Clark Ensz, Clark Ensz, Inc. is coordinating the Ballet Wichita 5K with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Ballet Wichita 5K June 22, 2013 7:30 am – 9:00 am

- Douglas Avenue, Waco Street to Sycamore Street
- McLean Boulevard, Maple Street to First Street
- Sycamore Street, Texas Street to McLean Boulevard
- First Street, McLean Boulevard to Waco Street

The event promoter will arrange to remove the barricades as necessary to allow emergency vehicle access during the entire designated time period. The barricades will be removed immediately upon completion of the event.

Financial Consideration: The event promoter is responsible for all costs associated with special events.

Legal Consideration: There are no legal considerations.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of the Police, Fire and Public Works Utilities Department; and (3) Securing a Certificate of Liability Insurance on file with the Community Event Coordinator.

TO: Mayor and City Council

SUBJECT: Community Events –Bradley Fair Summer Concert (District II)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: Consent

Recommendation: Approve the request for temporary street closure.

Background: In accordance with the Community Events procedure the event promoter Cathy Erickson, BF Owner, LLC is coordinating the Bradley Fair Summer Concert at Bradley Fair with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Bradley Fair Summer Concert July 4, 2013 5:00 pm – 11:00 pm

North Bradley Fair Parkway, Rock Road to East 21st Street North

The event promoter will arrange to remove the barricades as necessary to allow emergency vehicle access during the entire designated time period. The barricades will be removed immediately upon completion of the event.

<u>Financial Consideration</u>: The event promoter is responsible for all costs associated with special events.

<u>Legal Consideration</u>: There are no legal considerations.

Recommendation/Actions: It is recommended that the City Council approve the request subject to; (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of the Police, Fire and Public Works Utilities Department; and (3) Securing a Certificate of Liability Insurance on file with the Community Event Coordinator.

TO: Mayor and City Council

SUBJECT: City/County Agreement for Pump Station No.14 (District VI)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

.....

Recommendation: Approve the City/County Agreement.

Background: Sedgwick County constructed Pump Station No. 14 located at 7453 West 45th Street North as part of the North Ridge Road paving improvements in 2010. The pump station discharges stormwater to the Little Slough to alleviate local street flooding. The City of Wichita was consulted during the design and construction of the pump station with the intention that the design would be compatible with how the City operates and maintains its stormwater pump stations. In 2011, City staff participated in the station's startup and has since been operating and maintaining the station on behalf of Sedgwick County. All costs associated with the pump station, including City staff time, materials, equipment and utilities have been billed to Sedgwick County Public Works on a quarterly basis.

Analysis: The cost associated with the station's operations and maintenance included in this agreement will be incorporated within the City Stormwater Management Division's annual budget. In 2012, the City expended \$31,604 to operate the station. City staff will request that the 2013 revised Stormwater Management operating budget be increased by \$30,000 to cover the expenses of the pump station. In 2013 there is approximately \$60,000 in additional work that needs to occur at the pump station. These improvements will be completed by the City and invoiced to Sedgwick County. A copy of the quote for the improvements from the contractor that constructed the station is attached as Exhibit A. A portion of the drainage area being served by the station is within the city limits and the City's benefit area is expected to grow overtime.

<u>Financial Considerations</u>: Sedgwick County has agreed to reimburse Stormwater Utility for maintaining and operating the pump station. The agreement authorizes City staff to bill Sedgwick County for these costs including, but not limited to utilities, labor, equipment, parts, supplies, grounds maintenance, property insurance and pest control on a quarterly basis. Sedgwick County has reimbursed the City 100% of these costs prior to the approval of this agreement and will continue to do so until such time as the City annexes the Ridge Road right-of-way and the pump station property is deeded to and accepted by the City of Wichita. At that time, the City will begin to pay for 100% of the cost to operate and maintain the pump station and its collection system.

<u>Legal Considerations:</u> The agreement has been reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended the City Council approve the City/County Agreement and authorize the necessary signatures.

Attachments: City/County Agreement.

AGREEMENT

	THIS AGE	REEMEN	T is mad	de and e	entered int	o this	d	lay of			_, 2013,	by and
between	n Sedgwick	County, 1	Kansas, l	nereinaft	er referred	l to as	"County	" and	the City	y of	Wichita,	Kansas
hereinaf	fter referred	to as "Ci	ty."									

WITNESSETH:

WHEREAS, County and City are authorized to enter into an agreement pursuant to K.S.A. 12-2908, as amended; and

WHEREAS, County has constructed a stormwater pumping station at 7453 West 45th St. North, hereinafter referred to as "pump station", with the following legal description:

BEG 900 FT W NE COR NE $\frac{1}{4}$ TH S 230 FT TH W 406.71 FT TH N 23002 FT TH E 404.21 FT TO BEG EXC N 50 FT FOR RD SEC 28-26-1 W,

in conjunction with paving improvements on Ridge Road between K-96 and $53^{\rm rd}$ St. North and desires to have said pump station operated and maintained by City; and

WHEREAS, County and City anticipate that future growth of City will cause the area served by the pump station to be annexed into the corporate limits of City; and

WHEREAS, County and City desire to enter into an agreement to provide for operation and maintenance of said pump station;

NOW, THEREFORE, for and in consideration of the parties' mutual promises and covenants, it is agreed as follows:

- 1) The Purpose of this Agreement is to provide for the operation and maintenance of the pump station.
- 2) County shall be responsible for all costs incurred to date for construction of the pump station and purchase of the real property at 7453 West 45th St. North.
- 3) The City shall have final authority in regard to the operation and maintenance of the pump station.
- 4) City shall pay all costs of operation and maintenance of pump station including but not limited to utilities, labor, equipment, parts, supplies, grounds maintenance, property insurance and pest control. County shall reimburse City for said costs as follows:
 - a) County shall reimburse City for one hundred percent of operation and maintenance costs incurred by City prior to and after the date of approval of this agreement.
 - b) County shall reimburse City for the reasonable cost of maintenance equipment and pump station modifications outlined in Exhibit A that are required to provide for efficiency, safety and economy of operation.
 - c) City shall submit reasonably detailed bills for reimbursement on a quarterly basis and County shall make payments to City within 30 days of receipt of said bills.
- 5) The City's responsibility for operation and maintenance costs, and the County's obligation for reimbursement of the City's costs, is subject to annual budgeting for those costs by respective governing bodies. Either party may terminate this agreement upon sixty (60) days notice.
- 6) This agreement shall remain in full force and effect until such time as: a) the City annexes the Ridge Road right-of-Way between K-96 and 3,400 feet north of 45th Street North into the corporate limits of

Wichita; and b) the County deeds and the City accepts the pump station property. Upon termination of this agreement, the City shall be responsible one hundred percent (100%) of the operations and maintenance of the pump station and its collection system.

7) The right of the County and City to enter into this Agreement is subject to the provisions of the Cash Basis Law (K.S.A. 10-1112 and 10-1113), the Budget Law (K.S.A. 79-2935), and other laws of the State of Kansas. This Agreement shall be construed and interpreted so as to ensure that the County and City shall at all times stay in conformity with such laws, and as a condition of this Agreement the County and City reserve the right to unilaterally sever, modify, or terminate this Agreement at any time, if, in the opinion of its legal counsel, the Agreement may be deemed to violate the terms of such laws.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS	CITY OF WICHITA, KANSAS
JAMES B. SKELTON	CARL BREWER
Chairman, Fifth District	Mayor
ATTEST:	ATTEST:
KELLY B. ARNOLD, County Clerk	KAREN SUBLETT City Clerk
APPROVED AS TO FORM:	City Clork
ROBERT W. PARNACOTT,	GARY E. REBENSTORF
Assistant County Counselor	City Attorney

EXHIBIT A

Required Maintenance Equipment and Pump Station Modifications

- 1.
- Install sight glass and bypass valves on oilers of main pumps. Install hinges and latches on three main pumps and 2 medium pumps. 2.
- Install dehumidification system in pump room. 3.
- Provide man lift with 17 to 25 foot platform height. 4.
- Install safety netting under floor hatches. 5.
- Install bug/animal screen on air intake opening. 6.
- Rewire lighting circuits to provide energy savings. Install anti-climb shield on antenna tower. 7.
- 8.

DONDLINGER & SONS CONSTRUCTION CO., INC. TOM DONDLINGER NOCK DONDLINGER BALL DONDLINGER GENERAL CONTRACTORS

PAUL DONDLINGER



September 27, 2011

Kansas Department of Transportation Attn: Chris Byrd, P.E. 3200 East 45th Street North Wichita, Kansas 67220

Ref: Sedgwick County Project 87 C 4294-01

Ridge Road Pump Station - Additional Work Items

Mr. Byrd:

Dondlinger and Sons proposes the following clarifications and prices for the work items requested in an email dated September 01, 2011 by Scott Lindebak, P.E. with the City of Wichita.

1. Install a site glass and bypass valves:

Pump and Power will supply and install the bypass manual oiler valve and fittings. Pump and Power will also drill and tap the oiler and supply an oil level sight glass. This sight glass and manual valve will be installed similar to those already installed at the Hoover Pump Station.

2. Install a hinge and latch for safety screens:

\$ 2,500.00

Dondlinger and Sons will modify the existing access panels (1 panel per pump) on the three (3) large pumps and the two (2) smaller pumps. The modifications include the required drilling and taping for mounting the hinges and wing nut bolts.

3. Install dehumidifiers for condensation problem:

\$ 19,200.00

Central Air Conditioning will furnish and install a roof mounted ventilation unit that will increase the ambient air temperature within the pump station. Central Air Conditioning will furnish a proposal and/or plans if required. This number is budgetary and may change pending approval and additional requirements by the owner and/or owner's engineer.

4. Purchase and deliver a 17' Man Lift (Option 1)

\$ 8,855.00

Dondlinger and Sons will deliver a Cotterman Model C-MLN176BH Maxi-Lift with a 17.0' Platform Height.

(See Attachment #1-Cotterman 17' Maxi-Lift Data)

Purchase and deliver a 25' Man Lift (Option 2)

\$ 9.425.00

Dondlinger and Sons will deliver a Cotterman Model C-MLN256BH Maxi-Lift with a .25,0' Platform Height.

(See Attachment #2-Cotterman 25' Maxi-Lift Data)

5. Install safety netting under floor hatches: Engineering Allowance:

\$ 7,055.00 \$ 2,500.00 \$9,555.00

Total:

Dondlinger and Sons proposes to supply and install safety netting below the 48"x96" and 96"x120" existing floor hatches. Dondlinger and Sons will utilize Hatch Net, supplied by ACUDOR Products, Inc. for the safety netting (ACUDOR supplied the three floor hatches that are currently installed in the pump station). Dondlinger will utilize the following anchoring devices based on ACUDOR recommendations as well as OSHA mandates: 1.) ½" diameter, forged anchor shackles with a rated capacity of 3.0 tons. 2.) ½" diameter, spring hook fasteners, with a rated capacity of 600.0 lbs. 3.) ½" diameter x 3-3/4" zinc plated wedge anchors. Dondlinger and Sons will perform the load test as outlined OSHA Standard 1926.502. Dondlinger and Sons requests that the Kansas Department of Transportation and/or the City of Wichita verify and approve the safety netting and attaching hardware as outlined above and notify Dondlinger of approval or desired deviations in writing to our proposal prior to Dondlinger and Sons execution of any part of item #5. Dondlinger and Sons does not include the weekly inspections of the safety netting as mandated by OSHA.

(Reference OSHA Standard 1926.105 Safety Net) (Reference OSHA Standard 1926.502 Safety Net Load Testing) (See Attachment #3-ACUDOR-Hatch Net Data)

- 6. Install a bug/animal screen at the daylight window opening: \$1,215.00 Dondlinger and Sons will provide and install a stainless steel frame and removable bug/animal screen that will be located within the window well of the daylight window. The frame will be mounted vertically, attached to the window well and the bug/animal screen will be installed/removed from the top. The screen utilized is T304 Woven Stainless Steel mesh with 0.011" diameter wire. The openings are 18 holes per linear inch horizontally and 14 holes per linear inch vertically.
- 7. Rewire the electrical lights to avoid continual operation: \$ 1,340.00 Atlas Electric will rewire the lights into the same switch that currently operates the other lights.
- 8. Install anti-climb shield: \$ 1,350.00
 Atlas Electric will supply and install the anti-climb shield.
 (See Attachment #4-Rohn 25G Anti-Climb Base Tower Section Data)

If you have any questions, please do not hesitate to call.

Sincerely, Dondlinger and Sons Construction Co., Inc.

Mark Lorenz Manager of Bridge Division

CITY OF WICHITA City Council Meeting May 7, 2013

TO: Mayor and City Council

SUBJECT: Partial Acquisition of land at 5618 West 29th Street for the 29th Street – Ridge to

Hoover Road Improvement Project (Districts V and VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On June 7, 2011, the City Council approved the design concept to improve 29th Street between Ridge Road and Hoover. The project will require a partial acquisition of nine properties. The tracts consist of commercial, residential, and agricultural use. The proposed road improvement project includes widening 29th Street, improving area storm drainage, and adding sidewalks. The property at 5618 West 29th is a residential site. An 810 square foot acquisition for right-of-way is required along the south property line. The residence will remain however, it is necessary to relocate the septic system, fencing, and water well to that part of the property not impacted by the proposed acquisition. Due to the closeness of the proposed taking to the residential improvements, proximity damages, loss of trees and landscaping were also considered.

<u>Analysis</u>: A written offer to purchase in the amount of \$14,800 was accepted by the owner. The appraised value at \$14,800 included \$2,100 for the right-of-way and \$12,700 for proximity damages, relocation of the water well, relocation of the septic system, and loss of mature trees. In addition to the offer, the owner is also owed \$7,000 for the cost to relocate a gas line, an interior water line, and landscaping. It was learned during negotiations that the gas meter would have to be relocated as part of the project and as such, cause the owner to relocate the gas line into the residential improvements to comply with the City-County Unified Code. In addition, there will be additional cost to relocate a water line into the relocated septic system. That part of the disturbed site on the owner's remnant parcel will have to be reseeded.

<u>Financial Considerations</u>: The funding source for the project is General Obligation Bonds. A budget of \$22,800 is requested. This includes \$21,800 for the acquisitions and \$1,000 for title work, surveys, closing costs and other administrative fees.

Legal Considerations: The Law Department has approved the real estate agreement as to form.

Recommendation/Action: It is recommended that the City Council 1) approve the acquisition; 2) approve the budget and; 3) authorize the necessary signatures.

Attachments: Real estate agreement, tract map, and aerial map.

PROJECT: 29th Street: Ridge to Hoover

DATE: April 16, 2013

COUNTY: Sedgwick

TRACT NO.: 08

CITY OF WICHITA, KANSAS A MUNICIPAL CORPORATION

CONTRACT FOR CONVEYANCE OF REAL ESTATE BY WARRANTY DEED

THIS AGREEMENT made and entered into this ____ day of ______, 2013, by and between Jenola A Harrell and Shirley Vincent (Landowners), and the City of Wichita, Kansas, a municipal corporation, (Buyer),

WITNESSETH, For consideration as hereinafter set forth, Landowners hereby agree to convey a road right-of-way to the City of Wichita by a warranty deed to the following described real properties in Sedgwick County to wit:

A ten foot wide rectangular tract of land in Wichita, Sedgwick County, Kansas for right-of-way purposes more fully described as follows:

Commencing at the SE corner of the SEQ, Section 34, Township 26 South, Range 1 West, Sedgwick County, Kansas; thence west along the south line of said SEQ a distance of 165.05 feet; thence north normally distant to said south line a distance of 30 feet to the Point of Beginning; thence continuing north a distance of 10 feet; thence west parallel with the south line of said SEQ a distance of 81 feet; thence south normally distant to said south line a distance of 10 feet; thence east parallel with said south line a distance of 81 feet, more or less, to the Point of Beginning.

Said tract containing 810 square feet, more or less.

It is understood and agreed that landowner is responsible for all property taxes on the above described property accrued prior to the conveyance of fee title to the City. In the event of relocation, landowner(s) hereby expressly agrees and covenants that they will hold and save harmless and indemnify the City and its authorized representatives from any and all costs, liabilities, expenses, suits, judgments, damages to persons or property or claims of any nature whatsoever which may occur during the time the City becomes legally entitled to the property until the relocation is completed. The City agrees to purchase the above described real estate, and to pay therefore, the following amount within 30 days after the conveyance documents of said property, free of any encumbrances, have been delivered.

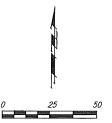
Approximately 810 Sq. Ft. for Road Right-of-Way	\$ 2,100
Approximately <u>0</u> Sq. Ft. for Drainage Easement	\$ NA
Approximately <u>0</u> Sq. Ft. for Temporary Easement	\$ NA
Cost to Cure: Septic, well, gas line	\$15,970
Damages: including but not limited to trees and landscaping	\$ 3,730
TOTAL	\$21,800

It is understood and agreed that the above stated consideration for said real estate is in full payment of said tract of land and all damages arising from the transfer of said property and its use for the purposes above set out including claims that Landowners may assert pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs, 42 U.S.C.A. 4601, et. Seq.

IN WITNESS WHEREOF The parties have hereunto signed this agreement the day and year first above written.

Karen Sublett, City Clerk	Gary E. Rebenstorf, Director of Law
ATTEST:	APPROVED AS TO FORM:
Carl Brewer, Mayor	
BUYER: City of Wichita, KS, a municipal corporation	
Dale Vincent Dale Vincent	
Shirley Vincent	
Jenola A. Harrell by Sherlay Ven	ncerrot P.O.A
LANDOWNER(S):	

EXHIBIT

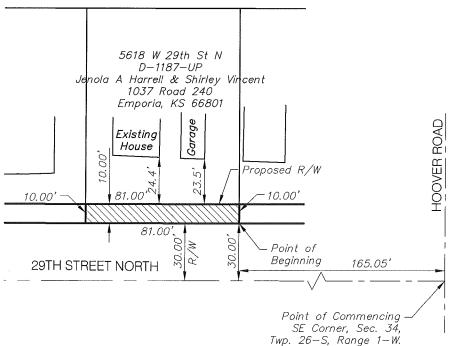


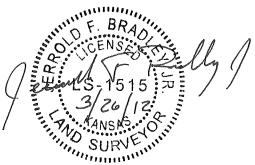
LEGAL DESCRIPTION:

A ten (10) foot wide rectangular tract of land in Wichita, Sedgwick County, Kansas for right—of—way purposes more fully described as follows:

Commencing at the SE corner of the SE ¼, Section 34, Township 26 S., Range 1 W., Sedgwick County, Kansas; thence west along the south line of said SE ¼ a distance of 165.05 feet; thence north normally distant to said south line a distance of 30.00 feet to the Point of Beginning; thence continuing north a distance of 10.00 feet; thence west parallel with the south line of said SE ¼ a distance of 81.00 feet; thence south normally distant to said south line a distance of 10.00 feet; thence east parallel with said south line a distance of 81.00 feet, more or less, to the Point of Beginning.

Said tract containing 810 square feet, more or less.

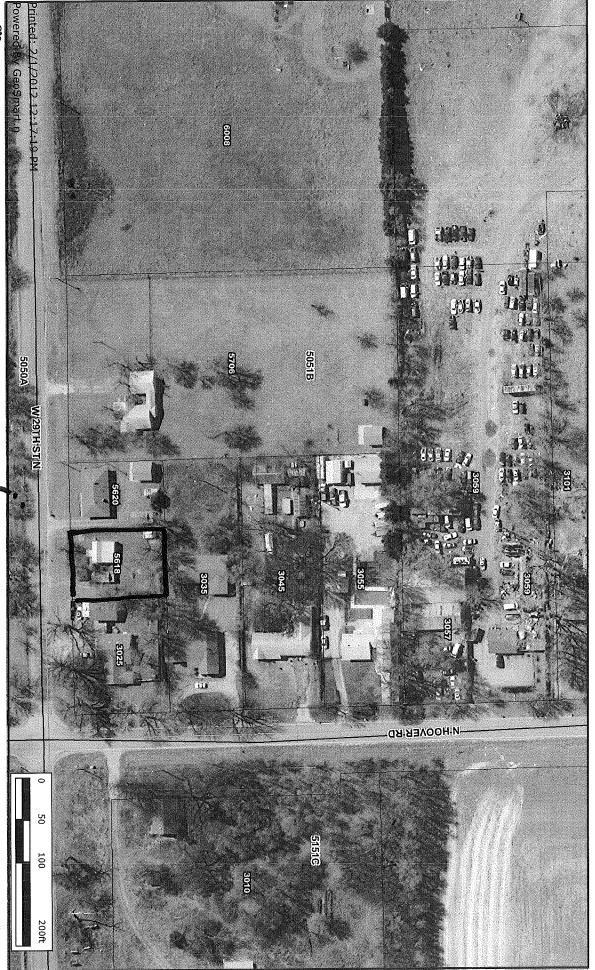






Drawing File: E: \Projects \ 29th Ridge to Hoover \ Exhibits \ Tract Maps.dwg





Every reasonable effort has been made to assure the accuracy of the maps and associated data provided here. This information is provided with the understanding that the data are susceptible to a degree of error, and con dusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warrancy, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages. BLINDIA

CITY OF WICHITA City Council Meeting May 7, 2013

May 1, 201

TO: Mayor and City Council

SUBJECT: Partial Acquisition of 511 West 36th Street North for the 36th Street Paving

Project: Arkansas Avenue to Agnes (District VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On May 3, 2010, the City Council approved the petition to pave 36th Street North, from Arkansas Avenue to a turnaround just east of Agnes. Right-of-way is required from throughout the corridor and all but three of the property owner's dedicated the necessary land. There are three tracts remaining which require a partial taking for road right-of-way and one drainage easement. The tracts consist of residential use. It is necessary to obtain the north twenty feet, or 1,500 square feet for right-of-way from the property at 511 West 36th Street.

<u>Analysis</u>: A written offer to purchase the required right-of-way was made based on an estimate of value. The offer of \$2,100, or \$1.40 per square foot was accepted by the owner.

<u>Financial Considerations</u>: The estimated project cost is \$235,000 with \$207,688 assessed to the improvement district and \$27,332 paid by the City-at-large. A budget of \$2,850 is requested. This includes \$2,100 for the acquisitions and \$750 for title work, surveys, closing costs and other administrative fees.

Legal Considerations: The Law Department has approved the Warranty Deed as to form.

Recommendation/Action: It is recommended that the City Council 1) approve the acquisition and; 2) approve the budget.

Attachments: Warranty deed, tract map, and aerial map.

GENERAL WARRANTY DEED

WITNESSETH, That party of the first part, in consideration of the sum of Two Thousand One Hundred Dollars (\$2,100) and other Good and Valuable Considerations, the receipt of which is hereby acknowledged, do by these presents convey and warrant unto said party of the second part, it's successors and assigns, all of the following described real estate situation in the County of Sedgwick and the State of Kansas, to wit:

A proposed twenty (20) feet of Right-of-Way acquisition in Wichita, Sedgwick County, Kansas described as follows:

The north twenty (20) feet of the following described tract of land in the NW ¼ of the NE ¼ of Section 32, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows:

Beginning 671 feet North and 550.075 feet East of the SW corner of said NW ¼ of the NE ¼; thence South 300.5 feet; thence East 74.925 feet; thence North 300.5 feet; thence West 74.925 feet to the point of beginning. Containing 1,500 square feet, more or less

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

And party of the first part, for themselves, their heirs, executors and administrators, do hereby covenant, promise and agree to and with party of the second part that at delivery of these presents they are lawfully seized in their own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the estates, judgments, taxes, assessments and encumbrances of what nature of kind soever, except, none; and that they will warrant and forever defend the same unto party of the second part, it's successors and assigns, against parties of the first part, themselves, their heirs, and all and every person(s) whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, party of the first part has hereunto subscribed their names, the day and year first above written.

1 Alla Jaly Felix Salazar

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STATE OF KANSAS)) ss
COUNTY OF SEDGWICK)
On this 4th day of Apyi personally appeared Felix Salazar who executed the foregoing instrum	, 2013, before me, a notary public in and for said county and state, and Patricia Salazar, husband and wife, known to be the person named in and ment, and duly acknowledge the execution thereof. Notary Public My commission expires 6-15-16

LEGAL DESCRIPTION: EXHIBIT

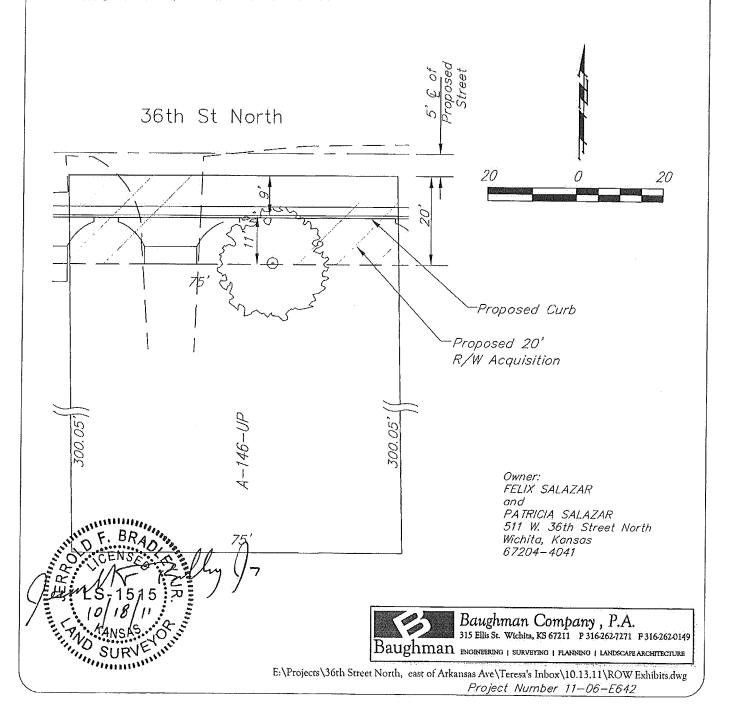
A proposed twenty (20) feet of Right-of-Way acquisition in Wichita, Sedgwick County, Kansas described as follows:

The north twenty (20) feet of the following described tract of land:

A tract in the NW ¼ of the NE ¼ of Section 32, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows:

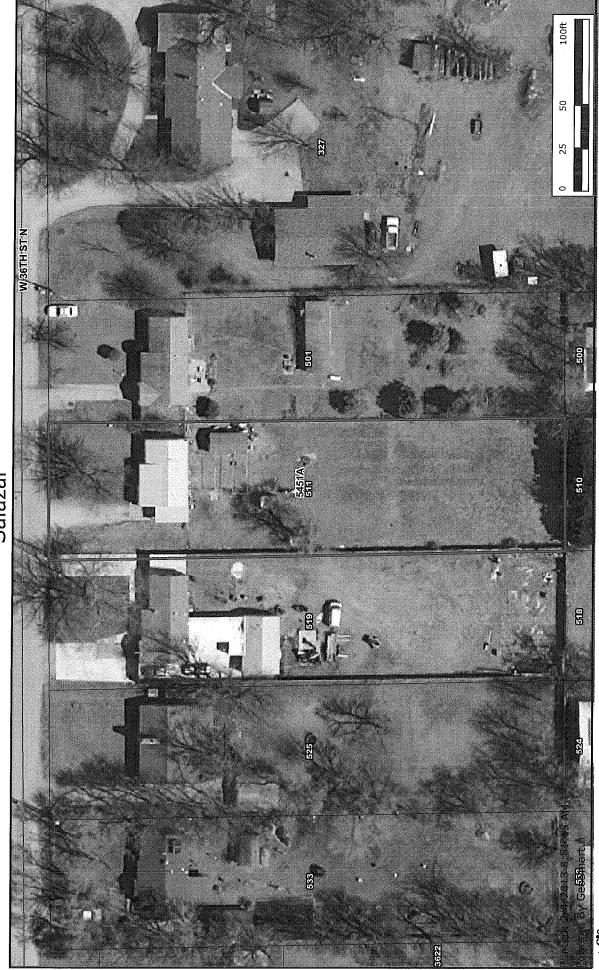
Beginning 671 feet North and 550.075 feet East of the SW corner of said NW ¼ of the NE ¼; thence South 300.5 feet; thence East 74.925 feet; thence North 300.5 feet; thence West 74.925 feet to the point of beginning.

Containing 1,500 square feet, more or less



511 W. 36th Street North

Salazar





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TO: Mayor and City Council

SUBJECT: Request for Letter of Intent Extension for Industrial Revenue Bonds (Residences at

Linwood, LLC) (District III)

INITIATED BY: Office of Urban Development

AGENDA: Consent

Recommendation: Approve the extension of the Letter of Intent.

Background: On June 19, 2012, the City Council approved a one year Letter of Intent to issue Industrial Revenue Bonds ("IRBs") in an amount not-to-exceed \$5,000,000 for the acquisition and renovation of The Residences at Linwood, an apartment complex located at 2002 S. Hydraulic. The first phase of the facility is a 184-unit apartment complex consisting of four-plexes. The Residences at Linwood, LLC ("Linwood") are requesting an extension of the Letter of Intent through June 30, 2014.

<u>Analysis:</u> Linwood purchased the former Linwood Apartments in December 2011. The facility encompasses single-story brick four-plexes on 21 acres. The total project cost is estimated to be up to \$11 million. The request for the original Letter of Intent is for the first of two phases of renovation. Linwood intends to request a second Letter of Intent when it prepares for the second phase.

Linwood has been approved for nine percent Low Income Housing Tax Credits and applied for historic tax credits as well. The process of acquiring the historic tax credits has taken longer than Linwood had anticipated resulting in the request to extend the original Letter of Intent.

<u>Financial Considerations:</u> Bonds will be privately placed with a principal of the applicant, Murfin, Inc. Linwood agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Linwood is not requesting property tax abatement in conjunction with the IRBs. The project will qualify for a sales tax exemption on bond-financed purchases.

<u>Legal Considerations:</u> The law firm of Kutak Rock, LLP will serve as bond counsel in the transaction. The form of bond documents shall be subject to review and approval by the Law Department prior to the issuance of any bonds. Linwood agrees to comply with the City's Standard Letter of Intent Conditions.

Recommendations/Actions: It is recommended that the City Council approve an extension to the Letter of Intent for Industrial Revenue Bonds to The Residences at Linwood, LLC through June 30, 2014.

<u>Attachments</u>: Request for Letter of Intent extension



April 18, 2013

Mr. Allen Bell Director of Urban Development City of Wichita, Kansas 455 N. Main 13th Floor Wichita Ks, 67202

Dear Mr. Bell,

On June 21st, 2012 the City of Wichita through the mayor, Carl Brewer executed a letter of intent to issue an IRB in an amount not to exceed \$5,000,000.00 based on unanimous approval of the City Council passed on June19th, 2012. The term of the letter of intent ends June 19th, 2013. This letter is to formally request an extension of the letter of intent to June 30th, 2014.

As you may recall this project involves the rehabilitation of 184 multi-family units in SE Wichita. As was presented to the Council the project is utilizing IRS Section 42 low income and historic tax credits. Both have been critical to the success of the project. Unfortunately the historic process has taken much longer than normal. In fact our plan as presented to the State of Kansas and the National Park Service was in process for almost a year. Within the last week we finally obtained written approval of our plan. We have made significant progress on the renovations and are making a big difference in the community surrounding the Linwood Park area, however the extensive delay in the historical process has delayed our project. Due to this process being out of our control we request an extension of the letter of intent for approximately 12 months.

Secondly, as we are purchasing our own bond (funding our own project) we would prefer to issue and retire the bond at the same time. By extending the letter of intent our intention is to complete this phase of the project and upon completion have a closing in which the bond is issued and retired simultaneously. Obviously this process makes it easier on all involved and my understanding still fulfills all the requirements of the City to issue an IRB.

We will continue to comply with all requirements of the letter of intent and will meet all obligations as expected. We would appreciate your consideration of our request as we are working hard to complete the project and in turn improve the community.

Thank you,

Brent Hurst

The Residences at Linwood LLC

2002 S. Hydraulic Wichita Ks 67211

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CITY OF WICHITA City Council Meeting May 7, 2013

TO: Mayor and City Council Members

SUBJECT: Weapons Destruction

INITIATED BY: Law Department

AGENDA: Consent

Recommendation: Receive and file the report.

<u>Background</u>: The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

<u>Analysis:</u> The City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. A list of weapons being destroyed has been provided (attached), and includes Exhibit A - 38 long guns and 82 handguns and Exhibit B - 19 long guns and 42 handguns. The destruction of the weapons will be witnessed and monitored by staff.

Financial Considerations: None.

<u>Legal Considerations:</u> Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Recommendations/Actions: It is recommended that the City Council receive and file the list of weapons.

<u>Attachment</u>: List of weapons to be destroyed.

OCT 2012 HAND GUNS TBD LIST

#	CASE NUMBER	MAKE	MODEL	SERIAL NUMBER	CAL	TYPE
1	05C87038	RUGER	P95DC	31321412	9	PI
2	06C49246	DAVIS	P380	AP210476	380	PI
3	05C39403	BRYCO	JENNINGS NINE	1592894	9	PI
4	05C50879	TITAN	TIGER	013546	38	PR
5	05C88950	HI POINT	CF380	P796448	380	ΡI
6	05C21998	TAURUS	PT92AF	TNK10474	9	PI
7	05C83017	HI POINT	C9	P1242144	9	PI
8	05C26222	HI POINT	CF380	P760528	380	PI
9	05C84286	HI POINT	JHP	X414089	45	PI
10	05C2390	BRYCO	BRYCO 59	791553	9	PI
11	05C19909	JENNINGS	48	579997	380	PI.
12	06C72976	COLT	GOVERNMENT	70G70526	45	PI
13	05C96922	LORCIN	L380	092490	380	PI
14	05C25301	COLT	DETECTIVE SPEC	02742M	38	PR
15	05C64899	TAURUS	85	G165932	38	PR
16	05C76735	LORCIN	L9MM	L103893	9	PI
17	05C71131	STERLING	25	S25831	25	PI
18	05C82973	RUGER	BLACKHAWK	3435920	357	PR
19	05C80248	HIGH STANDARD	GB	319098	22	Pi
20	05C48564	TANFOGLIO	E15	TC05517	22	PR
21	05C98361	RG	RG14	L588391	22	PR
22	05C28053	PHOENIX ARMS	RAVEN	3158131	22	PI
23	05C19909	ROHM	RG10	1040680	22	PR
24	05C19399	RAVEN ARMS	MP25	1817309	25	PI
25	11C65086	SMITH & WESSON	BODYGUARD	CPY2458BG38	38	PR
26	92C16240	SMITH & WESSON	152	K749142	38	PR

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#	CASE NUMBER	MAKE	MODEL	SERIAL NUMBER	CAL	TYPE
27	08C97681	TAURUS	PT140	SXD64235	40	PI
28	08C92575	WALTHER	P22	L045727	22	PI
29	08C94212	HI POINT	CF	P749231	380	PI
30	08C92237	TAURUS	PT125PRO	NAT60467	45	PI
31	08C93913	JIMENEZ ARMS	JA380	047392	380	PI
32	08C97562	RAVEN ARMS	P25	610130	25	PI
33	08C93129	HERITAGE	ROUGH RIDER	HZ51993	22	PR
34	08C93909	NORINCO	213	305330	9	PI
35	08C92750	RUGER	BLACKHAWK	37740	357	PR
36	08C95306	FIE	E15	TA71201	22	PR
37	08C97502	CHARTER ARMS	OFF DUTY	1034556	38	PR
38	06C10157	STERLING	22	A89189	22	PI
39	06C25550	BRYCO	48	885931	380	PI
40	06C25905	ARMINIUS	TITAN TIGER	0508291	38	PR
41	06C31831	GRENDEL	P10PISTOL	11195	380	PI
42	06C11738	TAURUS	PT145	NU187679	45	PI
43	06C43277	SMITH & WESSON	5906	AIP5776	9	PI
44	06C22608	STERLING	22	A85938	22	PI
45	06C49107	RUGER	P89	30450025	9	PI
46	06C37217	SMITH & WESSON	422	UAA5923	22	PI
47	06C5244	BROWNING		637391		PI
48	06C18184	RAVEN ARMS	MP25		25	PI
49	06C39385	RUGER	GP100	17183275	357	PR
50	06C17611	ROHM	RG23	70961	22	PR
51	06C16537	US REVOLVER		7922	38	PR
52	06C12476	FIE	D38	92566	38	PD

	#	CASE NUMBER	MAKE	MODEL	SERIAL NUMBER	CAL	TYPE
	53	06C5609	HI POINT	JH	316240	45	PI
	54	06C45688	LORCIN	RAVEN 25	,	25	PI
	55	06C47744	BRYCO	JENNINGS NINE	1501669	9	PI
	56	06C17960	INTRATEC	AB10	A026117	9	PI
	57	06C47060	A'A ARMS INC	AP9	057493	9	PI
	58	06C34577	INTRATEC	TEC22	039462	22	PI
	59	06C33390	CONNECTICUT VALLEY ARMS		B42309	36	PU
	60	93C62983	STALLARD ARMS	JS	074956	9	PI
	61	93C72648	RUGER	P89	30547337	9	Pl
	62	93C62983	RAVEN ARMS		769552	25	Pl
	63	93C72648	ROSSI	,	D981646	38	PR
	64	09C7517	INTRATEC	TEC9	30635	9	PI
	65	09C2953	JIMINEZ ARMS	JA NINE	086173	9	PI
	66	09C5301	GLOCK	22	H NW 543	40	Pl
ſ	67	09C5416	BRYCO	JENNINGS NINE	1510076	9	PI
	68	09C6923	BERSA	THUNDER 380	883956	380	PI
Γ	69	09C4199	GLOCK	21	BAG348	45	PI
Γ	70	09C7517	LORCIN	LT25	LT278813	25	PI
Γ	71	09C3157	DAVIS INDUSTRIES	P380	AP181314	380	PI
	72	09C3159	LORCIN	L25	080116	25	PI
Γ	73	09C2510	COBRA	FS3808	FS027535	380	PI
	74	09C3680	JIMENEZ ARMS	JA22	1133487	22	PI
	75	09C5965	JIMENEZ ARMS	JA 380	032513	380	PI
,	76	09C2533	BERETTA	92FS	BER160815	9	PI
•	77	09C5746	HI POINT	С	812763	9	PI
	78	09C6631	PHOENIX ARMS	RAVEN	3153798	25	PI

#	CASE NUMBER	MAKE	MODEL	SERIAL NUMBER	CAL	TYPE
79	09C3944	RAVEN ARMS	MP25	1379321	25	PI
80	09C867	RG IND	RG31	Q232444	38	PR
81	09C7315	RG	RG14	L629738	22	PR
82	09C4522	HOPKINS & ALLEN	XL DOUBLE ACTION		38	PR
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OCTOBER 2012 LONG GUNS TBD LIST

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#	CASE NUMBER	MAKE	MODEL	SERIAL NUMBER	CAL	TYPE
1	06C34955	SPRINGFIELD	947B		-12	SS
2	06C34955	SAVAGE	120A	P183454	22	RB
3	05C68457	WINCHESTER	1300 DEFENDER	L2736013	12	SP
4	05C83704	SAVAGE	MARK II	0284442	22	RB
5	05C40915	MOSSBERG	500A	J663319	12	SP
6	05C80248	NEW ENGLAND FIREARMS	PARDNER	NP394011	410	SS
7	05C87953	STEVENS	62	0127191	22	RI
8	05C80248	BROWNING	LIGHT TWELVE	01094PX211	12	SI
9	05C24949	MARLIN	60	18469849	22	RI
10	05C83017	SEARS JC HIGGINS	25	5832500	22	RB
11	05C32794	SEARS JC HIGGINS	20	·	12	SP
12	05C28583	H&R	TOPPER 88	AT298086	20	SS
13	05C80248	WINCHESTER	290	326023	22	RI
14	04C49461	SAVAGE	SPRINGFIELD67H	A500349	12	SP
15	04C67905	SAVAGE ARMS	1240		12	SI
16	05C45961	MARLIN	60W	04165021	22	RI
17	12C40149	RUGER	10122	35685442	22	RI
18	05C5353	WINCHESTER	1300	L3527813	12	SP
19	90C86791	REMINGTON	1100	74607V	12	SI
20	04C85002	HARRINGTON & RICHARDSON		AZ481571	25	SS
21	08C97305	COAST TO COAST	367		12	SP
22	08C98476	SAVAGE ARMS	STEVENS 62	L238404	22	RI
23	08C92851	SAVAGE	MARK II	0683648	- 22	RB
24	08C92013	REMINGTON	870	V926221X	20	SP

25	08C92013	REMINGTON	870	W715823M	12	SP
26	08C92013	MARLIN	25N	10670286	22	RB

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#	CASE NUMBER	MAKE	MODEL	SERIAL NUMBER	CAL	TYPE
27	08C95368	NEW ENGLAND	PARDNER P	NM375656	12	SS
28	08C97305	SPENCER GUN CO		196797	12	SS
29	08C92013	MARLIN	336CS	07044108	30/30	RL
30	08C92851	SQUIRES BINGHAM	20	23975499	22	RI
31	W2064	SAVAGE	720	43380	12	SS
32	06C47416	CBC	SB	C1148938	12	SS
33	06C47060	REVELATION	WESTERN AUTO	C45972	12	SP
34	09C500491	MOSSBERG	500C	L634007		SP
35	09C5680	REMINGTON	22	RW64196	22	RI
36	09C3766	SEARS & ROEBUCK	NEW LONG RANGE		12	SS
37	09C7	STURM RUGER	MINI 1430	18387574	223	RI
- 38	09C3504	MASS ARMS CO.		141MP	12	SS
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JANUARY 2013 LONG GUNS TBD

#	CASE NUMBER	MAKE	MODEL	SERIAL NUMBER	CAL	TYPE
1	93C101957	WINCHESTER	1200	170407	12	SP
2	05C31755	HESSE ARMS	FALH	007500	308	RI
3	2 ₀ 97C94429	REMINGTON	1100	172331V	12	SI
4	93C113755	BROWING		9Z25278	20	SI
5	93C113755	NEWPORT		11935XC	410	SS
6	06C85670	NEW ENGLAND	PARDNER	NV206323	12	SS
7	06C95934	ITHACA	M66	660741134	20	SS
8	07C47169	MARLIN	120	A23857	12	SP
9	07C47169	SAVAGE	30F	, , , , , , , , , , , , , , , , , , , ,	20	SP
10	07C33221	WINCHESTER	1200	267721	16	SP
11	07C33166	WINCHESTER	61	181226	22	RP
12	07C47169	WINCHESTER	1200	182191	12	SP
13	07C47169	MARLIN	GOLDEN 39A	19242651	22	ŔL
14	07C45652	SAVAGE	30D	1	12	SP
15	07C14928	SAVAGE	94C		12	SS
16	07C4721	COAST TO COAST	288NR		22	RI
17	07C33166	SEARS & ROEBUCK	44651176	G789616	12	SP
18	07C47169	STEVENS		M766	20	SS
19	07C22427	BOITO	BR2	141763	12	SE
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JANUARY 2013 HAND GUNS TBD

#	CASE NUMBER	MAKE	MODEL	SERIAL NUMBER	CAL	TYPE
1	え _る 93C105486	SMITH & WESSON	39-2	A437608	9	PI.
2	93C101957	FREEDOM ARMS		B18722	22	PR
3	93C1842	DAVIS INDUSTRIES	P380	AP269895	380	PI
4	06C10846	CHARTER ARMS	EXPLORE II	B015096	22	· PI
5	93C101957	EUROARMS	ARMY	017010	44	PU
6	93C101957	LUGER	,	89653	22	PI
7	12C56140	LUGER		1037	9	PI
8	07C49065	STALLARD ARMS	JS9MM	086571	9	PI
9	07C49065	ARMINIUS	HW38	419742	38	PR
10	94C3593	I.M.I	DESERT EAGLE	E04483	9	PI
11	07C21277	HI POINT	C9	P1317146	9	PI
12	07C33167	JIMENEZ	JANINE	,	. 9	PI
13	07C21277	RUGER	P89DC	30723226	9	PI
14	94C70292	H&R	949	BB020840	22	PR
15	93C113755	COLT	KING COBRA	CK6178	357	PR
16	07C19099	RUGER	P89DC	30469355	9	PI
17	07C32580	HI POINT	JCP	٠.	40	PI
18	07C22637	COBRA ENT	CA380	CP023440	380	PI
19	07C40107	JIMENEZ	JA380	045065	380	PI
20	07C18914	SMITH & WESSON	36	498686	38	PR
21	07C21277	GLOCK	22	ELB050US	40	PI
22	07C32580	GLOCK	22	BMF092US	40	PI
23	07C40080	TANFOGLIO	FIE E15	TC85324	22	PR
24	06C82078	RUGER	BLACKHAWK	4133322	41	PR
25	07C49369	ROSSI	M713	F059628	357	PR
26	06C51829	IMPERIAL	7	17039	22	PR

#	CASE NUMBER	MAKE	MODEL	SERIAL NUMBER	CAL	TYPE
27	07C1093	KELTEC	P11	A3N96	9	PI
28	06C72651	GLOCK	22	EPG218US	40	PI
29	07C12606	RAVEN	MP25	933117	25	Pl
30	06C89493	SMITH & WESSON	SW40V	PAY6073	40	PI
31	06C52949	H&R		86646	32	PR
32	06C82078	SMITH & WESSON	686	AUJ2578	357	PR
33	06C87713	BERETTA	92FS	BER313011Z	9	PI
34	07C11545	SMITH & WESSON	411	TZF6734	40	Pl
35	06C85907	HI POINT	CF380	P820869	380	PI
36	06C88727	ROHM	SONTHEIM/BRENZ	10566	22	PR
37	06C73923	DAVIS IND	D38	D017429	38	PD
38	07C11047	HI POINT	C9	P1211652	9	Pl
39	06C80914	GLOCK	22	HNV995	40	PI
40	06C85858	SMITH & WESSON	. 36	450369	38	PR
41	06C60984	SMITH & WESSON	19.4	91K0499	357	PR
42	06C71604	HI POINT	JH	317786	45	PI
43				-		
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City of Wichita City Council Meeting May 7, 2013

TO: Mayor and City Council

SUBJECT: Abatement of Dangerous & Unsafe Structures (Districts I, IV and VI)

INITIATED BY: Metropolitan Area Building and Construction Department

AGENDA: Consent

Recommendation: Approve the assessments and ordinances.

<u>Background:</u> The Metropolitan Area Building & Construction Department supports neighborhood maintenance and improvement through abatement of public nuisances under Titles 18 and 20 of the City Code. State law and local ordinances allow the City to demolish or board up and secure private property that is in violation of Housing and/or Building Code standards, after proper notification of the responsible party/parties. A private contractor or City staff performs the work, and the Metropolitan Area Building & Construction Department bills the cost to the property owner.

<u>Analysis:</u> State law and City ordinance allow placement of the demolition and board-up costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the demolition and board up abatements in question, and the Metropolitan Area Building & Construction Department is requesting permission for the Department of Finance to process the necessary special assessments.

Financial Considerations: Statements of Charges will be mailed to the property owners on May 17, 2013. The property owners have 30 days from date of statement to pay the assessment and avoid paying interest. If unpaid, the principal and interest will then be spread for one year and placed on the 2013 tax roll.

<u>Legal Considerations:</u> The ordinances have been reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the proposed assessments and place the ordinances on first reading.

<u>Attachments:</u>. Property List – Special Assessments

Tax Key #	<u>PIN #</u>	<u>Location</u>		<u>Amount</u>	District #
C-09114	153820	1546 N Grove	gas services removal	\$355.27	I
A-02216	101626	1821 N Broadway	gas services removal	\$783.44	VI
A-05990	106219	1010 S Main	gas services removal	\$338.35	I
C-02852	138835	2703 E 13 th St	demolition (condemnatio	n)\$11,540.00	I C
C-13563	159237	2003 N Chautauqua	demolition (condemnatio	n) \$5,957.12	I
D-49285	341760	1818 S Shefford Cir	demolition (condemnatio	n)\$10,034.0	0 IV
C-13369	159048	2508 E Graham Ave	emergency board-up	\$767.66	I
C-13720	159453	954 N Glendale Ave	emergency board-up	\$697.96	I
B-01617	120200	1632 N Emporia Ave	emergency board-up	\$614.59	VI
C 00897-000D	136002	1308 N Spruce Ave	emergency board-up	\$975.10	I
C 02595	138491	630 N Green St	emergency board-up	\$843.95	I
D 01913	200900	501 S Oak St	emergency board-up	\$870.52	IV
D 05719	206006	138 S Sedgwick St	emergency board-up	\$887.87	IV
C 05210	141497	129 S Estelle Ave	emergency board-up	\$808.95	I
B 04028-B	123025	1815 N Mathewson Ave	emergency board-up	\$ 857.64	I
C 00995-1	136129	1307 N Kansas Ave	emergency board-up	\$ 831.17	I
B 03258	121992	532 N Wabash Ave	emergency board-up	\$ 933.93	I

Published in the Wichita Eagle on May 17, 2013

ORDINANCE NO. 49-493

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE REMOVAL OF CERTAIN STRUCTURES, BEING DANGEROUS AND UNSAFE BUILDINGS WHICH HAVE BEEN DECLARED A NUISANCE (BUILDING CONDEMNATION-DEMOLITION) UNDER THE PROVISION OF SECTIONS 18.16.010 TO 18.16.090 OF THE CODE OF THE CITY OF WICHITA, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the sum set opposite the following lots, herein specified, be and the same is hereby levied to pay the cost of removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance under the provisions of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, located and situated upon the following described property:

Legal of Parcel in Benefit District

Assessment

LOTS 22-24 BLOCK 7 FAIRVIEW ADD	\$783.44
LOT 118 & N 1/2 LOT 120 MAIN ST. LEE'S ADD.	\$338.35
W1/2 LOT 2-4-6-8 EXC N 20 FT LOT 2 EXC TH PT DEEDED FOR ROW CC# AA CV 2741 MABLE AVE NOW ESTELLE AVE FAIRMOUNT PARK ADD	\$11,540.00
LOT 21 MC COOL & LAMBE'S ADD.	\$355.27
LOT 5 BLOCK 18 SHADY BROOK ADD.	\$5,957.12
LOT 12 BLOCK 5 LARK 3RD. ADD.	\$10,034.00

SECTION 2. The sum so assessed and apportioned against the lots herein before set out and not paid within 30 days from date of notice sent out by the Debt Management Office of the Department of Finance as provided by law, shall be collected by special assessment upon the property liable therefore in one installment and placed upon the tax roll for the year **2013** and shall be certified to the County Clerk and shall be levied and collected in the same manner as other taxes, and the Debt Management Office of the Department of Finance is hereby directed to give written notice to property owner(s) owning property assessed herein, as required by law.

SECTION 3. This ordinance shall take effect and be in force from and after its publication once in the official City paper.

ADOPTED, at Wichita, Kansas, this 14th day of May, 2013.

	Carl Brewer, Mayor
ATTEST:	
Karen Sublett, City Clerk	
(SEAL)	
Approved as to form	

Gary E. Rebenstorf, Director of Law

Published in the Wichita Eagle on May 17, 2013

ORDINANCE NO. 49-494

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE REMOVAL OF CERTAIN STRUCTURES, BEING DANGEROUS AND UNSAFE BUILDINGS WHICH HAVE BEEN DECLARED A NUISANCE (BUILDING EMERGENCY BOARD-UP) UNDER THE PROVISION OF SECTIONS 18.16.010 TO 18.16.090 OF THE CODE OF THE CITY OF WICHITA, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the sum set opposite the following lots, herein specified, be and the same is hereby levied to pay the cost of removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance under the provisions of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, located and situated upon the following described property:

Legal of Parcel in Benefit District

Assessment

LOTS 131-133 EMPORIA ST EAGLE ADD	\$614.59
LOT 10 EXC E 7 FT & E 15 FT LOT 11 BLOCK 7 SHADYBROOK ADD.	\$767.66
LOT 1 BLOCK 2 EAST HIGHLAND NORTH ADD.	\$697.96
LOTS 42-44 SUNNY SLOPE ADD.	\$975.10
LOTS 50-52-54 ALICE NOW GREEN ST. MOSSMAN'S 2ND. ADD.	\$843.95
LOTS 17-19 PECKHAM & LILLY'S SUB.	\$808.95
LOT 23 KAEISER'S ADD.	\$870.52

LOTS 22-23 BLOCK 2 MARTINSON'S 9TH. ADD.	\$887.87
LOTS 8-10 HEIL ADD.	\$933.93
LOTS 15-17 MATHEWSON AVE. D. W. JONES ADD.	\$857.64
LOTS 20-21 ROSENTHAL'S 2ND. ADD.	\$831.17

SECTION 2. The sum so assessed and apportioned against the lots herein before set out and not paid within 30 days from date of notice sent out by the Debt Management Office of the Department of Finance as provided by law, shall be collected by special assessment upon the property liable therefore in one installment and placed upon the tax roll for the year **2013** and shall be certified to the County Clerk and shall be levied and collected in the same manner as other taxes, and the Debt Management Office of the Department of Finance is hereby directed to give written notice to property owner(s) owning property assessed herein, as required by law.

SECTION 3. This ordinance shall take effect and be in force from and after its publication once in the official City paper.

ADOPTED, at Wichita, Kansas, this 14th day of May, 2013.

	Carl Brewer, Mayor	
ATTEST:		
Karen Sublett, City Clerk		
(SEAL)		
Approved as to form		

City of Wichita City Council Meeting May 7, 2013

TO: Mayor and City Council

SUBJECT: Resolution Authorizing Section 5307 Urbanized Area Formula Grant and Section

5339 Bus and Bus Facilities Grant from the Federal Transit Administration

INITIATED BY: Wichita Transit

AGENDA: Consent

Recommendation: Adopt the resolution authorizing filing of grant applications.

Background: The Federal Transit Administration (FTA) grant application process requires a resolution by the governing body authorizing staff to file grant applications to receive funds and administer the grant's program. The purpose of the resolution is to authorize staff to file for eligible federal funds for the support of the City's transit services for Fiscal Year 2013 (pursuant to Section 5307 Urbanized Area Formula Annual Apportionment and Section 5339 Bus and Bus Facilities Apportionment). Transit staff is applying to increase the amount of grant KS-90-X145 now that additional funds are available through the continuing resolution for federal funds. Transit staff is applying for Section 5339 funds for Bus and Bus Facilities now that a full year's apportionment was made available by the continuing resolution. Transit staff held a public hearing on May 3, 2013, with no adverse comments. Section 5307 funds are 80% federal and 20% local match, with the exception of operating funds, which are 50% federal and 50% local match. Section 5339 funds are 83% federal and 17% local match for Americans with Disabilities Act (ADA)-compliant projects and 80% federal and 20% local for other capital projects.

<u>Analysis</u>: Wichita Transit is increasing the funding amount for three activity line items in KS-90-X145. The amendment to the grant is for additional funds for project administration, preventive maintenance, and operating costs. The original KS-90-X145 grant totaled \$3,659,568 and included \$2,497,891 in federal funds and \$1,161,677 in local funds.

Section 5307 KS-90-X145-01 amendment:

Project administration -- \$61,875
 Preventative maintenance -- \$1,625,000
 Operating costs -- \$2,305,218
 Total \$3,992,093

Wichita Transit will apply for the entire amount available in Section 5339 funds for the purchase of ADA-compliant buses. The proposed resolution authorizes the filing of an application for the following funding:

Section 5339 application:

■ Bus purchase -- up to \$725,000

Financial Consideration: The total grant request for Section 5307 (KS-90-X145-01) is \$3,992,093 (federal share \$2,502,109; local match \$1,489,984). The total grant request for Section 5339 funds will be up to \$725,000 (federal share up to \$601,750; local match \$123,250). The local match for the buses will be funded through the issuance of general obligation bonds.

Legal Consideration: The Law Department has reviewed and approved the resolution as to form.

Recommendation/Actions: It is recommended that the City Council adopt the resolution and authorize the necessary signatures.

Attachments: Resolution

RESOLUTION NO. 13-075

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23, AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION TO SUPPORT FY 2013 SECTION 5307 AND SECTION 5339 PROJECTS

WHEREAS, the Federal Transportation Administrator has been delegated authority to award federal financial assistance for transportation projects; and

WHEREAS, the grant or cooperative agreement for federal financial assistance will impose certain obligations upon the City of Wichita and may require the City to provide the local share of the project cost; and

WHEREAS, the City of Wichita has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project; and

WHEREAS, the City of Wichita desires financial assistance for support of the following projects: Pursuant to Section 5307 – Annual Urbanized Formula Funds: Preventive Maintenance, Security, Training, Program Support, Project Administration, ADA and Operating; and

WHEREAS, the City of Wichita desires financial assistance for support of the following projects: Pursuant to Section 5339 – Vehicle Purchase.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

- 1. The City Manager or designee is authorized to execute and file an application on behalf of the City of Wichita, Kansas, with the Federal Transit Administration for Federal assistance under 49 U.S.C. Chapter 53, Title 23, United States Code, or other federal statutes authorizing a project administered by the Federal Transit Administration to aid in financing 49 U.S.C. §5307 and §5339 projects.
- 2. That the City Manager or designee is authorized to execute and file with its application the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a federal assistance grant or cooperative agreement.
- 3. That the City Manager or designee is authorized to execute the grant and cooperative agreements with the Federal Transit Administration on behalf of the City of Wichita.

CERTIFICATION

The undersigned duly qualified Mayor, acting on behalf of the City of Wichita, which is the Designated Recipient of Urbanized Area Formula Program assistance under the provisions of 49 U.S.C. §5307 and §5339, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally-convened meeting of the City of Wichita.

ADOPTED at Wichita, Kansas on May 7th, 2013.

	Carl Brewer, Mayor	
	·	
ATTEST:		
ATTEST:		
Karen Sublett, City Clerk		
Approved as to Form:		
Gary E. Rebenstorf, Director of Law		
Gary L. Rebellstoff, Director of Law		

City of Wichita City Council Meeting May 7, 2013

TO: Mayor and City Council

SUBJECT: Update of Intrust Bank Resolution

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendation: Adopt the resolution.

Background: In November 2012, the City Council adopted Resolution No. 12-246 approving the selection of Intrust Bank, N.A. as the City's banking services provider and authorizing the preparation, execution and delivery of agreements in connection therewith. The resolution specifically gave authority to the City Manager and the Director of Finance, Kelly Carpenter, to enter into agreements with the bank to establish authorizations and to conduct or establish banking procedures.

<u>Analysis</u>: Kelly Carpenter retired on April 26, 2013 and Shawn Henning has been appointed as the Director of Finance effective April 29, 2013. A new resolution is necessary granting authority to Shawn Henning and removing Kelly Carpenter's authority.

Financial Considerations: There are no financial considerations in changing the resolution.

<u>Legal Considerations</u>: The resolution has been reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council adopt the resolution providing the City Manager and current Director of Finance with authority for the preparation, execution and delivery of certain agreements in connection with the City's banking services.

<u>Attachment</u>: Resolution

RESOLUTION NO. 13-076

A RESOLUTION OF THE CITY OF WICHITA, KANSAS, APPROVING THE SELECTION OF INTRUST BANK, N.A., AS A BANKING SERVICES PROVIDER AND AUTHORIZING THE PREPARATION, EXECUTION AND DELIVERY OF CERTAIN AGREEMENTS IN CONNECTION THEREWITH.

WHEREAS, the City of Wichita (the "City") has issued a Request for Proposal seeking responses for the provision of certain, specified banking services in relation to City funds and accounts; and,

WHEREAS, INTRUST Bank, N.A. (the "Bank") submitted the best proposal meeting the City's current needs and requirements; and,

WHEREAS, the City of Wichita has existing agreements for primary banking services with INTRUST Bank, N.A. and,

WHEREAS, INTRUST Bank, N.A. (the "Bank") is qualified to serve as a designated depository of municipal funds and is capable of providing arrangements meeting the City's current needs and requirements;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Approval of Bank Selection. The governing body approves the selection of the Bank to provide banking services required by the City, including service as a designated depository of municipal funds pursuant to K.S.A. 9-1401, which deposits are to be secured by pledges of acceptable securities, as provided by the City's Investment Policy, K.S.A. 9-1402 and K.S.A. 9-1405, all as amended.

Section 2. Transfer Authority and Execution of Documents. The City Manager is hereby authorized and directed to agree upon, with representatives of the Bank, and to enter into agreement(s) setting forth, the terms and conditions upon which the Bank, in accordance with the specifications established by the City's Finance Department (and in forms approved by the City Attorney), will receive and maintain deposits and make transfers of the City's funds to or from any account of the City, wherever maintained, or from any account of the City to any firm, person, or bank, when acting upon requests, or orders, and that such terms and conditions may authorize the Bank to act upon requests received by voice communication given in accordance with procedures agreed upon with the Bank in writing and signed by either of the City's officers or agents listed below:

Robert Layton, City Manager	
Shawn Henning, Director of Finance	

Furthermore, the City Clerk or any Deputy City Clerk is hereby authorized and directed to attest to any such agreement(s), for and on behalf of the City.

Section 3. Delivery of Documents; Further Authority. The City Manager, City Clerk or other appropriate officers, agents or representatives of the City, are hereby authorized and directed to deliver

the above-referenced agreement(s), and to execute and deliver such other documents and certificates as may be approved by the City Attorney as documents necessary and appropriate to carry out the intent of this Resolution.

Section 4. Certification. The City Clerk or any Deputy City Clerk is hereby authorized and directed to certify this Resolution to the Bank.

Section 5. Effective Date. This Resolution shall take effect immediately upon its passage by the Governing Body of the City.

ADOPTED AND APPROVED by the Governing Body of the City of Wichita, Kansas, on May 7, 2013.

(Seal)	
	Carl Brewer, Mayor
ATTEST:	
Karen Sublett, City Clerk	
APPROVED AS TO FORM	
Gary E. Rebenstorf, Director of Law	

City of Wichita City Council Meeting May 7, 2013

TO: Mayor and City Council

SUBJECT: Fidelity Bank Resolutions

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendations: Adopt the resolutions and authorize the necessary signatures.

<u>Background:</u> The City utilizes Fidelity Bank to process and service Neighborhood Improvement Revolving Loan program transactions. This program provides loan assistance for the purposes of historic preservation, rehabilitation and restoration, as well as rehabilitation of owner-occupied and rental homes.

<u>Analysis:</u> Kelly Carpenter retired on April 26, 2013 and Shawn Henning has been appointed as the Director of Finance effective April 29, 2013. Additionally, Rob Raine has been appointed as the Interim Treasurer as a result of Shawn's promotion and until a permanent replacement has been named. These staff changes require the update of authorizing resolutions related to the accounts held with Fidelity bank. The authorizing resolutions delegate individual authority with respect to specific banking transactions to ensure the proper segregation of duties and adequate internal controls.

<u>Financial Considerations:</u> There are no financial considerations in connection with the changes to the resolutions.

Legal Considerations: The resolutions have been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council adopt the resolutions updating the list of individuals authorized to execute transactions with Fidelity Bank and authorize the necessary signatures.

<u>Attachments:</u> Authorizing Resolutions

RESOLUTION NO. 13-077

A RESOLUTION RELATING TO THE SELECTION OF FIDELITY BANK, AS A BANKING SERVICES PROVIDER AND UPDATING AUTHORIZATIONS FOR THE PREPARATION, EXECUTION AND DELIVERY OF NECESSARY AGREEMENTS IN CONNECTION THEREWITH.

WHEREAS, the City of Wichita approved the selection of FIDELITY Bank, N.A. as a banking services provider for Neighborhood Improvement Services; and,

WHEREAS, the City of Wichita has existing agreements for Neightborhood Improvement banking services with FIDELITY Bank, N.A.; and,

WHEREAS, FIDELITY Bank, N.A. (the "Bank") is qualified to serve as a designated depository of municipal funds and is capable of providing arrangements meeting the City's current needs and requirements;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Approval of Bank Selection. The governing body reaffirms its selection of the Bank to provide banking services required by the City, including service as a designated depository of municipal funds pursuant to K.S.A. 9-1401, which deposits are to be secured by pledges of acceptable securities, as provided by K.S.A. 9-1402 and K.S.A. 9-1405, all as amended.

Section 2. Transfer Authority and Execution of Documents. The City Manager is hereby authorized and directed to agree upon, with representataives of the Bank, and to enter into agreement(s) setting forth, the terms and conditions upon which the Bank, in accordance with the specifications established by the City's Finance Department (and in forms approved by the City Attorney), will receive and maintain deposits and make transfers of the City's funds to or from any account of the City, wherever maintained, or from any account of the City to any firm, person or bank, when acting upon requests, or orders, except and provided that all existing agreements shall be modified as necessary to reflect a change in authorized signatories from those identified in the Prior Resolutions and that such terms and conditions may authorize the Bank to act upon requests received by voice communication given in accordance with procedures agreed upon with the Bank in writing and signed by either of the City's officers or agents lited below:

Robert Layton, City Manager	-
Shawn Henning, Director of Finance	-

Furthermore, the City Clerk or any Deputy City Clerk is hereby authorized and directed to attest to any such writing(s), for and on behalf of the City.

Section 3. Delivery of Documents; Further Authority. The City Manager, City Clerk or other appropriate officers, agents or representatives of the City, are hereby authorized and directed to deliver a duplicate original or certified copy of this Resolution, and to execute and deliver such other documents and certificates as may be approved by the City Attorney as documents necessary and appropriate to carry out the intent of this Resolution.

Section 4. Certification. The City Clerk or any Deputy City Clerk is hereby authorized and directed to certify this Resolution to the Bank.

Section 5. Effective Date. This Resolution shall take effect immediately upon its passage by the Governing Body of the City.

ADOPTED by the governing body of the City of Wichita, Kansas, this 7th day of May, 2013.

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	Ву	Carl Brewer, Mayor
ATTEST:		Carr Brower, mayor
Karen Sublett, City Clerk	-	
(SEAL)		
Approved as to Form:		
Gary E. Rebenstorf Director of Law	_	

City of Wichita Authorization Resolution

By: Fidelity Bank City of Wichita 100 E. English 332 Riverview Street Wichita, KS 67202 Wichita, KS 67203 Referred to as Financial Institution Referred to as Municipal Corporation Account Number Account Name 0060014463 Historical Loan Revolving Account 0060014471 Direct Loan Revolving Account 9060011079 Rental Rehab Program I. Karen Sublett, certify that I am the City Clerk of the City of Wichita, a Municipal corporation organized under the laws of Kansas, Federal I.D. Number 48-6000653, engaged in business under the trade name of City of Wichita, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Governing Body of the Corporation duly and properly called and held on These resolutions appear in the minutes of this meeting and have not been rescinded or modified. Agents Any agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below: Name and Title Signature Robert Layton, City Manager B. Shawn Henning, Director of Finance C. Rob Raine, Interim City Treasurer D. Carol F. McMillan, Controller E. Becky Johnston, Cash Manager **Powers Granted** Indicate number of signatures required A. B Open any deposit or share account(s) in the name of the Corporation 2 A, B, C Endorse checks for deposit. 1 Issue orders for the payment of money or withdraw or externally transfer A, B 2 funds on deposit with this Financial Institution. Initiate recurring wire transfers to pre-authorized City of Wichita Accounts C, E 1 Transfer funds internally between the above authorized accounts C, E 1 A & D or Jointly issue instructions to establish pre-authorized accounts for wire transfers. B & D. Limitations on Powers - The following are the Corporation's express limitations on the powers granted under this Any account agreements and any other contracts or agreements beyond checks, payment orders or other transfer or withdrawal directions authorized under "Powers Granted" above are subject to approval by the Corporations Governing Body. This resolution supersedes all prior resolutions. **Certification of Authority** I further certify that the Governing Body of the Corporation has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the resolutions and to confer the powers granted above to the persons named who have full power and lawful authority to exercise the same. This Corporation is a non-profit corporation. In Witness Whereof, I have subscribed my name to this document and affixed the seal of the Corporation on (date).

Carl Brewer, Mayor

Approved as to Form:
Gary Rebenstorf, City Attorney

City Clerk

Second Reading Ordinances for May 7, 2013 (first read on April 23, 2013)

A. Supplemental Design Agreement No. 1 for Improvements to Pawnee, from Hydraulic to Grove. (District III)

ORDINANCE NO. 49-491

An ordinance amending Ordinance No. 46-852 declaring Pawnee, between K-15 Highway and Hillside (472-84303) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

City of Wichita City Council Meeting May 7, 2013

TO: Mayor and City Council

SUBJECT: ZON2013-00003 – City zone change from LC Limited Commercial ("LC") to

GC General Commercial ("GC"); generally located north of Maple Street, on the

east side of Sycamore Street. (District IV)

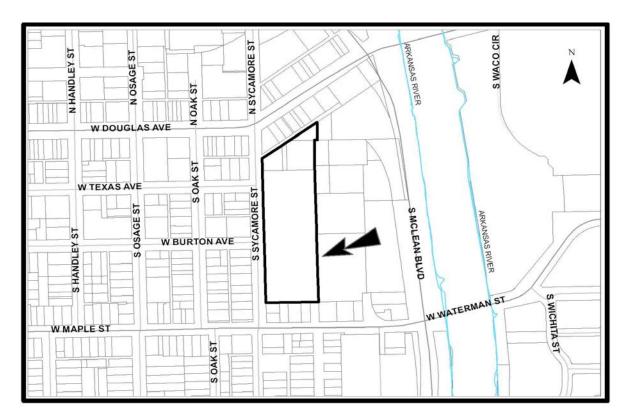
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendation: Approve (11-0).

DAB IV Recommendation: Approve (unanimously)

MAPD Staff Recommendation: Approve.



Background: The applicant requests GC General Commercial ("GC") zoning on the LC Limited Commercial ("LC") zoned subject site, located north of Maple Street and on the east side of Sycamore Street. The multiple lot site is the parking lot for the abutting LC zoned Lawrence Dumont baseball stadium. The applicant is requesting the GC zoning to allow additional uses, such as the past carnivals that have been a participant in the annual River Festival; Unified Zoning Code (UZC) Sec.II-B.11.b, Outdoor Recreation and Entertainment. Outdoor Recreation and Entertainment (including a carnival) is first permitted by right in the GC zoning district; UZC Sec.III-B.16.b.(3). The site is also located within the D-O Delano Neighborhood Overlay District ("D-O").

As stated, the subject site serves as the parking lot for the eastern, abutting LC zoned Lawrence Dumont baseball stadium, which is recognized as a major civic institution in the Delano Plan. Lawrence Dumont is, and has been, the home of different minor league professional baseball teams and, since 1935, the home of the National Baseball Congress World Series. Lawrence Dumont has been and is the dominant development in this neighborhood. Further east, beyond the ballpark and across Meridian Avenue, is the Arkansas River and the CBD Core Business District ("CBD") zoned core downtown area. South of the subject site, across Maple Street is the approved for GC zoning Wichita Ice Center; ZON2012-00018, subject to platting. The Ice Center and Lawrence Dumont provide a unique concentration of civic recreational sports facilities in Wichita. LC and B Multi-Family Residential ("B") zoned vacant land, GC zoned office-warehouse, office and a vacant LI Limited Industrial ("LI") zoned building are also located south of the site, across Maple. West of the site, across Sycamore Street, there is a mix of GC zoned older (1900-1925) single-family residences and small multi-family residences, office-warehouse, partially occupied retail or office, a large vacant lot and at least one vacant residence. North of the site are LC zoned downtown row commercial buildings located along the south side of Douglas Avenue. This row of LC zoned buildings contains a bar, car rental, a hat shop, a restaurant and other retail businesses. The LC and GC zoned Metropolitan Baptist Church and its parking is also located north of the subject site.

<u>Analysis:</u> At the DAB IV meeting held April 1, 2013, the DAB voted, unanimously, to approve the requested zoning. At the MAPC meeting held April 4, 2013, the MAPC voted (11-0) to approve the request as a consent item. There were no citizens who spoke against the request at the MAPC or DAB meetings. Planning has received no phone calls protesting the request. There have been no valid protest petitions filed with the City Clerk.

Financial Considerations: There are no financial considerations in regards to the zoning request.

<u>Legal Considerations:</u> The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions: Adopt the findings of the MAPC and approve the zone change, authorize the Mayor to sign the ordinance and place the ordinance on first reading (simple majority required).

Attachments:

- Ordinance
- MAPC minutes
- DAB memo (not available)

ORDINANCE NO. 49-495

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2013-00003

Zone change from LC Limited Commercial ("LC") to GC General Commercial ("GC") on an approximately 7.55-acre property described as:

The West 165 feet, more or less, of Reserve A except the Northwest 10 feet for alley, West Wichita Addition AND Lots 1 to 8 inclusive and the West 15 feet of Lot 9 and the vacated street adjacent on the South except the Northwest 10 feet taken for alley, Block 1, Payne's Park Addition AND All of Block 2 and vacated street adjacent on the East and South, Payne's Park Addition and Lots 1 to 32 inclusive and vacated street on East, Block 4, Payne's Park Addition, all in Wichita, Sedgwick County, Kansas; generally located north of Maple Street on the east side of Sycamore Street.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ATTEST:	Carl Brewer - Mayor
Karen Sublett, City Clerk	
(SEAL)	
Approved as to form: Gary E. Rebenstorf, City Attorney	

EXCERPT MINUTES OF THE APRIL 4, 2013 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

<u>Case No.: ZON2013-03</u> - the City of Wichita, c/o John Philbrick (applicant) requests a City zone change request from LC Limited Commercial to CG General Commercial to allow additional uses on property described as:

The West 165 feet, more or less, of Reserve A except the Northwest 10 feet for alley, West Wichita Addition to Wichita, Sedgwick County, Kansas.

AND

Lots 1 to 8 inclusive and the West 15 feet of Lot 9 and the vacated street adjacent on the South except the Northwest 10 feet taken for alley, Block 1, Payne's Park Addition to Wichita, Sedgwick County, Kansas.

AND

All of Block 2 and vacated street adjacent on the East and South, Payne's Park Addition and Lots 1 to 32 inclusive and vacated street on East, Block 4, Payne's Park Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant requests GC General Commercial ("GC") zoning on the LC Limited Commercial ("LC") zoned subject site, located north of Maple Street and on the east side of Sycamore Street. The multiple lot site is the parking lot for the abutting LC zoned Lawrence Dumont baseball stadium. The applicant is requesting the GC zoning to allow additional uses, such as the past carnivals that have been a participant in the annual River Festival; Unified Zoning Code (UZC) Sec.II-B.11.b, Outdoor Recreation and Entertainment. Outdoor Recreation and Entertainment (including a carnival) is first permitted by right in the GC zoning district; UZC Sec.III-B.16.b.(3). The site is also located within the D-O Delano Neighborhood Overlay District ("D-O").

As stated, the subject site serves as the parking lot for the eastern, abutting LC zoned Lawrence Dumont baseball stadium, which is recognized as a major civic institution in the Delano Plan. Lawrence Dumont is, and has been, the home of different minor league professional baseball teams and, since 1935, the home of the National Baseball Congress World Series. Lawrence Dumont has been and is the dominant development in this neighborhood. Further east, beyond the ballpark and across Meridian Avenue, is the Arkansas River and the CBD zoned core downtown area. South of the subject site, across Maple Street is the approved for GC zoning Wichita Ice Center; ZON2012-00018, subject to platting. The Ice Center and Lawrence Dumont provide a unique concentration of civic recreational sports facilities in Wichita. LC and B Multi-Family Residential ("B") zoned vacant land, GC zoned office-warehouse, office and a vacant LI Limited Industrial ("LI") zoned building are also located south of the site, across Maple. West of the site, across Sycamore Street, there is a mix of GC zoned older (1900-1925) single-family residences and small multi-family residences, office-warehouse, partially occupied retail or office, a large vacant lot and at least one vacant residence. North of the site are LC zoned downtown row commercial buildings located along the south side of Douglas Avenue. This row of LC zoned buildings contains a bar, car rental, a hat shop and other retail businesses. The LC and GC zoned Metropolitan Baptist Church and its parking is also located north of the subject site.

<u>CASE HISTORY</u>: Most of the multiple lot subject site was platted in the Payne's Park Addition, recorded March 15, 1921. A small portion of the subject site was platted in the West Wichita Addition,

recorded August 5, 1872. The site is located within the Delano Neighborhood Overlay District, which was approved by the City Council March, 2001 (Ord. #44-896) and the County Commission March 7, 2001 (Res. #35-01).

ADJACENT ZONING AND LAND USE:

NORTH: LC, GC Parking lot, church, bar, car rental, hat shop, retail

SOUTH: GC, LC, LI, B Indoor ice rink, vacant land, office-warehouse, vacant building

Church, parking, baseball stadium EAST: LC. GC

Single-family residences, multi-family residential, office- warehouse, WEST: GC

strip retail, vacant buildings, vacant land

PUBLIC SERVICES: At this location Maple Street has 40 feet of half-street right-of-way, while South Sycamore Street has 60 feet of full right-of-way. At the intersection of Maple and Sycamore, Maple has been improved to a four through-lanes with an additional left turn lane. Sycamore has two through-lanes and a left turn lane. All utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the Wichita-Sedgwick County Comprehensive Plan identifies the application area as "Major Institutional." The Major Institutional category includes institutional facilities of significant size and scale of operation and could include a range of such government facilities, military bases, libraries, school, cemeteries, churches, hospital and medical treatment facilities. The subject site serves as the parking lot for the eastern, abutting LC zoned Lawrence Dumont baseball stadium, which is recognized as a major civic institution in the Delano Plan. The Delano Plan Neighborhood Plan shows the site and Lawrence Dumont as "Recreational Sports Facilities." The Delano Neighborhood Overlay District also provides a list of prohibited uses and those that can be considered by a Conditional Use, as well review procedures to ensure the property will conform to the neighborhood. The requested zoning is not out of compliance with the 2030 Land Use Guide, nor is contrary to existing zoning patterns along this portion of Sycamore Street, or with the Delano Plan.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request for GC zoning be APPROVED.

This recommendation is based on the following findings:

- 1. The zoning, uses and character of the neighborhood: The subject site serves as the parking lot for the eastern, abutting LC zoned Lawrence Dumont baseball stadium, which is recognized as a major civic institution in the Delano Plan. Lawrence Dumont is, and has been, the home of different minor league professional baseball teams and, since 1935, the home of the National Baseball Congress World Series. Lawrence Dumont has been, and is, the dominant development in this neighborhood. The approved for GC zoning Ice Center (located south of Lawrence Dumont, across Maple Street) and Lawrence Dumont provide a unique concentration of civic recreational sports facilities in Wichita. Other zoning and development in the immediate area include B, LC, GC, LI zoned: older single-family residences and multi-family residences; parking lots; a church; bars; car rental; downtown row retail; strip retail; office-warehouse;
 - both commercial and residential vacant buildings and; vacant land.
- 2. The suitability of the subject property for the uses to which it has been restricted: The GC zoning is more appropriate for whole Lawrence Dumont baseball stadium complex. It will also allow the carnivals that have been a participant in the annual River Festival; Unified Zoning Code (UZC) Sec.II-B.11.b, Outdoor Recreation and Entertainment. Outdoor

Recreation and Entertainment is first permitted by right in the GC zoning district; UZC Sec.III-B.16.b.(3).

- 3. Extent to which removal of the restrictions will detrimentally affect nearby property:

 The Delano Neighborhood Overlay District provides a list of prohibited uses and those that can be considered by a Conditional Use, and a review process to ensure the site remains the primary parking for the Lawrence Dumont baseball stadium.
- 4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Allowing the GC zoning will allow this site to conform to the UZC for past and future uses that support downtown and the Delano neighborhood.
- Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide" of the Wichita-Sedgwick County Comprehensive Plan identifies the application area as "Major Institutional." The Major Institutional category includes institutional facilities of significant size and scale of operation and could include a range of such government facilities, military bases, libraries, school, cemeteries, churches, hospital and medical treatment facilities. The subject site serves as the parking lot for the eastern, abutting LC zoned Lawrence Dumont baseball stadium, which is recognized as a major civic institution in the Delano Plan. The Delano Neighborhood Plan Map shows the site and Lawrence Dumont as "Recreational Sports Facilities." The Delano Neighborhood Overlay District also provides a list of prohibited uses and those that can be considered by a Conditional Use, as well as review procedures to ensure the property will conform to the neighborhood. The requested zoning is not out of compliance with the 2030 Land Use Guide, nor is contrary to existing zoning patterns along this portion of Sycamore, or with the Delano Plan.
- 6. <u>Impact of the proposed development on community facilities:</u> Impact on community facilities will be minimal.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

J. JOHNSON moved, **MCKAY** seconded the motion, and it carried (11-0).



INTEROFFICE MEMORANDUM

TO: Wichita City Council

MAPC Members

FROM: Kelli Glassman, Neighborhood Assistant, District IV

SUBJECT: ZON2013-00003

DATE: April 23, 2013

On Monday, April 1, 2013, the *District IV Advisory Board (DAB)* considered a zone change request from LC Limited Commercial ("LC") to CG General Commercial ("GC") on 7.55 acres to allow additional uses, generally located north of Maple and east of Sycamore (300 S. Sycamore - Lawrence Dumont Stadium.) The applicant is requesting the GC zoning to allow additional uses, such as the past carnivals that have been a participant in the annual River Festival; Unified Zoning Code (UZC) Sec.II-B.11.b, Outdoor Recreation and Entertainment. Outdoor Recreation and Entertainment (including a carnival) is first permitted by right in the GC zoning district; UZC Sec.III-B.16.b.(3). The site is also located within the D-O Delano Neighborhood Overlay District ("D-O").

Bill Longnecker, Planning, was present to answer questions regarding this request. He stated that this land is not being replatted due to the lack of financial resources needed and poor timing. He also stated that there has been no contact with the neighborhood regarding this request; however, the Delano Association Board is satisfied with the overlay standards currently in effect, which supersede zoning designation of the land.

Due to a lack of quorum, no formal vote was taken, but all five DAB members present recommended <u>approval</u> of the conditional use request.

Please review this information when this request is considered.

City of Wichita City Council Meeting

May 7, 2013

TO: Mayor and City Council

SUBJECT: SUB2013-00001 -- Plat of City View Estates Addition located west of 135th

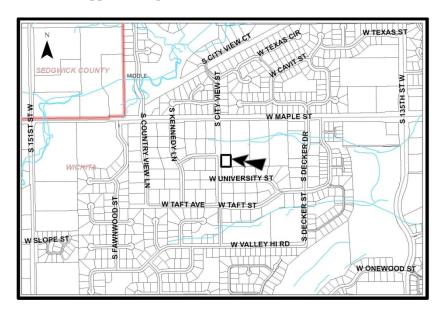
Street West, south of Maple (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)



Background: The site, consisting of one lot on .51 acres, is located within Wichita and is zoned SF-5 Single-family Residential.

<u>Analysis</u>: Water service is available to serve the site. Sewer improvements will be constructed by a private project. As requested by the City of Wichita Public Works Department, the applicant has submitted a No Protest Agreement for future paving improvements.

The plat has been reviewed and approved by the Metropolitan Area Planning Commission subject to conditions.

Financial Considerations: There are no financial considerations associated with the plat.

<u>Legal Considerations</u>: The Law Department has reviewed and approved the No Protest Agreement as to form and the document will be recorded with the Register of Deeds.

<u>Recommendations/Actions</u>: It is recommended that the City Council approve the document and plat, and authorize the necessary signatures.

Attachments: No Protest Agreement.

COPY

AGREEMENT

THIS AGREEMENT made and entered into this 12th day of April, 2013, by and between the City of Wichita, Kansas, party of the first part (hereinafter "City"), and Franklin W. Couch party of the second part (hereinafter "Owner").

WITNESSETH:

WHEREAS, City, at some undetermined time in the future, intends to construct certain public improvements to serve property owned by Owner(s) and property owned by others; and

WHEREAS, Owner is the owner of real property legally described as:

Lot 1, Block A, City View Estates, Wichita, Sedgwick County, Kansas.

and

WHEREAS, Owner wishes to <u>complete the platting requirements for (City View Estates)</u> as required by the Wichita/Sedgwick County Planning Department.

WHEREAS, City wishes to insure that the said real property owned by Owner will be included in the improvement district responsible for that portion of the costs of said future improvement that are to be assessed pursuant to the provisions of K.S.A. 12-6a01 et seq.

NOW, THEREFORE, the party (ies) hereto agree(s) as follows:

- 1. City shall grant Owner(s) <u>request for subject plat</u> on said real property, notwithstanding the fact that not all the public improvements normally required to be constructed prior to <u>approval of this plat</u> having been constructed.
- 2. Owner(s), on his own behalf and on behalf of his heirs, assigns and successors in interest, irrevocably waives his right, pursuant to K.S.A. 12-6a06, to protest the commencement of the construction of <u>paving improvements on City View Street</u> by the City, but nothing contained herein shall be deemed to be a waiver by Owner of his right to challenge, pursuant to K.S.A. 12-6a11, the reasonableness of the portion of the cost of said construction assessed against Owner's said real property.
- 3. A copy of this agreement shall be recorded with the Register of Deeds and the promises herein made by Owner shall constitute covenants running with the land described herein.

IN WITNESS WHEREOF, said parties have set their hands this day of
Owner(s) please sign, then type or print name below signature: CITY OF WICHITA
Franklin W. Couch Carl Brewer, Mayor
ATTEST:
Karen Sublett, City Clerk
STATE OF KANSAS) SEDGWICK COUNTY) ss:
BE IT REMEMBERED that on this 24 day of 2,001, 2013, before me, a Notary Public, in and for the County and State aforesaid, came (Franklin W. Couch), personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledged to me the execution of the same.
IN WITNESS WHEREOF, I have set my hand and affixed my seal the day and year last above written. Notary Public
My Appointment Expires: D3015 LINDA S. HAMBY NOTARY PUBLIC STATE OF KANSAS
STATE OF KANSAS) SEDGWICK COUNTY) ss:
BE IT REMEMBERED that on this day of, 2013, before me, a Notar Public, in and for the County and State aforesaid, came <u>Carl Brewer as Mayor of The City of Wichita, a Municipal Corporation</u> , personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledged to me the execution of the same, for and on behalf and as the act and deed of said corporation.
IN WITNESS WHEREOF, I have set my hand and affixed my seal the day and year last above written.
My Appointment Expires:
APPROVED AS TO FORM:
Gary E. Rebenstorf, Director of Law

City of Wichita City Council Meeting May 7, 2013

TO: Mayor and City Council

SUBJECT: SUB2013-00003 -- Plat of Davis Moore 15th Addition located on the south side

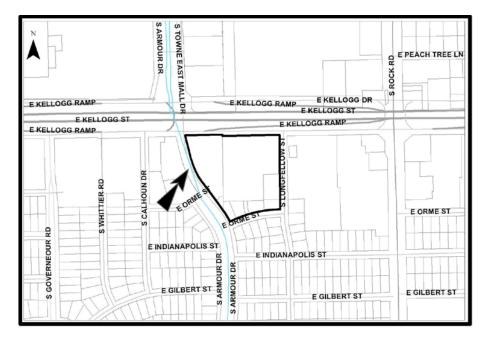
of Kellogg Drive, west of Rock Road (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

<u>Staff Recommendation</u>: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)



Background: The site, consisting of one lot on eight acres, is located within Wichita. A zone change (ZON2012-00035) has been approved for a portion of this property from SF-5 Single-family Residential to LC Limited Commercial. The Davis-Moore Automotive Community Unit Plan (CUP2012-00037, DP-331) has been approved for this site.

<u>Analysis</u>: Water and sewer services are available to serve the site. The applicant has submitted a Sidewalk Certificate for construction of sidewalks along Armour, Orme and Longfellow. The site is within the noise impact area of McConnell Air Force Base; therefore the applicant has submitted an Avigational Easement and Restrictive Covenant to assure that adequate construction methods will be used to minimize the effects of noise pollution. The applicant has submitted a Notice of Community Unit Plan (CUP) identifying the approved CUP and special conditions for development.

The plat has been reviewed and approved by the Metropolitan Area Planning Commission subject to conditions.

Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

<u>Financial Considerations</u>: There are no financial considerations associated with the plat.

<u>Legal Considerations</u>: The Law Department has reviewed and approved the Sidewalk Certificate, Avigational Easement, Restrictive Covenant, and Notice of CUP as to form and the documents will be recorded with the Register of Deeds.

The Law Department has reviewed and approved the Ordinance as to form.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, authorize the necessary signatures, and place the Ordinance on first reading.

Attachments: Sidewalk Certificate.

Avigational Easement. Restrictive Covenant.

Ordinance.

COPY

SIDEWALK CERTIFICATE

CITY OF WICHITA)
STATE OF KANSAS)SS
COUNTY OF SEDGWICK)

We, Kellogg & Armour LLC, owner(s) of Davis Moore 15th Addition, do hereby acknowledge that in accordance with the requirement of the WSCMAPD Subdivision Regulations and the Sidewalk Ordinance of the City of Wichita, construction of sidewalk is required at the following location:

- 1. East side of Armour St., from Orme St.to Kellogg Dr.
- 2. North side of Orme St., from Armour St. to Longfellow Lane
- 3. West side of Longfellow Lane, from Orme St. to Kellogg Dr.

This is to place on notice all owners of the above-described property and subsequent owners thereof that, as a result of the above-cited regulations and ordinances, said owners and subsequent owners thereof are responsible for seeing that sidewalks are installed or guaranteed by cash or other acceptable financial means as a precondition of the issuance of a building permit for all development occurring on the above-described property.

Signed this	_ day of	, 2013.
		By: Stuart Ray, Member, Kellogg & Armour LLC
Armour LLC, personal	MBERED that on this Public, in and for the County lly known to me to be the sai cknowledged to me the exec	day of <u>Apr.</u> , 2013, and State aforesaid, came Stuart Ray, Member, Kellogg & me person(s) who executed the within instrument of writing and cution of the same.
IN WITNESS	WHEREOF, I have set my h	nand and affixed my seal the day and year last above written.
SEAL My Commission Expir APPROVED AS TO F		Notary Public JODI SLATON MY COMMISSION EXPIRES October 19, 2013
Gary E. Rebenstorf, [Director of Law	

COPY

AVIGATIONAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, this ____day of _______, 2013, Stuart Ray, Member, Kellogg & Armour LLC, GRANTOR hereof, does hereby grant a permanent Avigational Easement to the public authority authorized by Law to own and operate public-owned airports in Sedgwick County, Kansas, for the use of "Navigable Airspace" as defined by the Federal Aviation Act of 1958, over all the following described real estate, to-wit:

DAVIS MOORE 15TH ADDITION An Addition to Wichita, Sedgwick County, Kansas

By virtue of this easement, the grantor, for and on behalf of himself and all successors in interest to any and all of the real property above described, waives as to the public authority only any and all claims for damage of any kind whatsoever incurred as a result of aircraft using the "Navigable Airspace" granted herein. This easement does not grant or convey any surface use rights, nor is it to be constructed to grant any right to private persons or corporations.

"Navigable Airspace" means air space above the minimum altitudes of flight prescribed by regulations issued under the Federal Aviation Act of 1958, Section 101 (24) 49 U.S. Code 1301, and shall include air space needed to insure safety in take-off and landing of aircraft.

The undersigned do hereby adopt the easement that is to run with the property and shall be binding on all parties, heirs, successors, assigns, and all persons claiming interest therein.

IN TESTIMONY WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

By: Stuart Ray, Member, Kellogg & Armour LLC

State of Kansas)
County of Sedgwick)
Be it remembered that on this
seal the day and year above written. ODI SLATON OFFICIAL OCTOBER 19, 2013
Notary Public , Notary Public
My Appointment Expires: 10-19-13
Approved as to form:
Gary E. Rebenstorf, Director of Law

Covenant

This covenant,	executed this	day of	, 2013.	
WITNESSETH	:			
WHER known as Davis	EAS, the undersigne Moore 15 th Addition	d are in the proces n to Wichita, Sedg	s of platting that certa wick County, Kansas	nin real property to be; and
WHER Wichita-Sedgw any new structu	ick County Metropol	platting process clitan Commission	ertain requirements h providing for minimiz	ave been made by the zing noise pollution in
	THEREFORE, the urick County, Kansas,		eby subject Davis Mo ovenants:	ore 15 th Addition to
1.	to minimize noise p use for which such benefit of said prop-	pollution in any such structure is des erty and shall run	ch structure, giving di igned and built. Thi with the land and inu	ned and constructed as ue consideration to the s covenant is for the re to the benefit of and accessors in interest and
IN TES and year first ab		OF, the parties her	eto have hereunto set	their hands the day
By: Stuart F	neut Ray, Member, Kellog	g & Armour LLC		
State of Kansas)			
County of Sedg	wick)			
Public in and for personally know duly acknowled	or said State and Cou or to be the same pe	inty, came Stuart R rson who executed f the same. In test	I the foregoing instrui imony whereof, I hav	& Armour LLC, to me ment of writing and
	- Ju	Ta	, Notary Pu	blic
My Appointme	nt Expires:	10-19-13	OFFICIAL SEAL	JODI SLATON MY COMMISSION EXPIRES October 19, 2013

A	PP	RO	V	ED	AS	T	O	F	ORN	1:
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Gary E. Rebenstorf, Director of Law

Published in The Wichita Eagle on May 17, 2013 ORDINANCE NO. 49-496

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2012-00035

Zone change request from SF-5 Single-family Residential to LC Limited Commercial on property described as:

Davis-Moore 15th Addition, Wichita, Sedgwick County, Kansas.

Generally located on the south side of Kellogg Drive, west of Rock Road.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 14th day of May, 2013.

ATTEST:	
Karen Sublett, City Clerk	Carl Brewer, Mayor
(SEAL)	
APPROVED AS TO FORM:	
Gary E. Rebenstorf, Director of Law	

City of Wichita City Council Meeting

May 7, 2013

TO: Mayor and City Council

SUBJECT: SUB2012-00022 -- Plat of Fawson Acres Addition located on the southeast

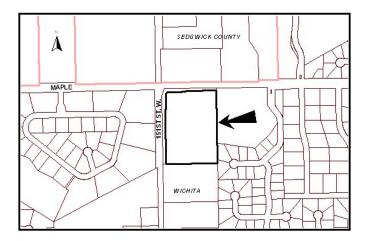
corner of Maple and 151st Street West (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0-1)



Background: The site, consisting of one lot on 10.27 acres, is located within Wichita.

<u>Analysis:</u> Water service is available to serve the site. The site has been approved by City Environmental Health for the use of on-site sanitary sewer facilities. As requested by the City of Wichita Public Works and Utilities Department, a No Protest Agreement for future sewer services has been submitted.

The plat has been reviewed and approved by the Metropolitan Area Planning Commission subject to conditions.

Financial Considerations: There are no financial considerations associated with the plat.

<u>Legal Considerations</u>: The Law Department has reviewed and approved the No Protest Agreement as to form and the document will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the document and plat, and authorize the necessary signatures.

<u>Attachments</u>: No Protest Agreement.

NO PROTEST AGREEMENT FOR FUTURE SEWER EXTENSION

This Agreement made and entered into this 3 day of April , 20 13 by and between the City of Wichita, Kansas, party of the first part (hereinafter "City") and Richard Fawson Elizabeth Fawson , Owner(s), party of the second part (hereinafter "Owner(s)")
WITNESSETH:
WHEREAS, City, at some undetermined time in the future, intends to construct certain public improvements to serve property owned by Owner(s) and property owned by others; and
WHEREAS, Owner(s) desire to have certain improvements to their property; Owner(s) [is/are] the owner(s) of real property legally described as:
Lot 1, Block A, Fawson Acres Addition and
WHEREAS, the City wishes to insure that the said real property owned by Owner(s) will be included in the improvement district responsible for that portion of the costs of said future improvements that are to be assessed pursuant to the provision of K.S.A. 12-6a01 et seq.
NOW THEREFORE, the parties hereto agree as follows:
1. City shall grant [Owner's/Owners'] request for subject plat to said real property, without making necessary the submittal of petitions for sanitary sewer improvements to serve said property.
2. Owner(s), on [his/her/its/their] own behalf and on behalf of [his/her/its/their] heirs, assigns and successors in interest, irrevocably waive(s) [his/her/its/their] right, pursuant to K.S.A. 12-6a01, to protest the commencement of the construction and subsequent assessment for costs of a sanitary sewer extension undertaken by the City, but nothing contained herein shall be deemed to be a waiver by Owner(s) of [his/her/its/their] right to challenge, pursuant to K.S.A. 12-6a11 the reasonableness of the portion of the cost of said construction assessed against [Owner's/Owners'] said real property.
A copy of this Agreement shall be recorded with the Register of Deeds and the promises herein made by Owner(s) shall constitute covenants running with the land described herein.
STATE OF KANSAS)) SS: COUNTY OF SEDGWICK)
I/We, Richard Fawson, Elizabeth Fawson, owner(s) of Lot 1, Block A, Addition, do hereby certify that the No Protest Agreement for future extension of sanitary sewer and water improvements has been submitted to the City Council of the City of Wichita, Kansas.

As a result of the above-mentioned No Prowithin Lot 1, Block 4, Fourton Ave	otest Agreement for improvements, lots or portions thereof Addition may be subject to special
assessments assessed thereto for the cost of cons	Addition may be subject to special structing the above described improvement(s)
Signed this 3 day of April , 2013.	
Signed this <u>3</u> day of <u>April</u> , 20 <u>13</u> . 1	Uzill farsy 4-3-2013 Owner
, Owner	// , Owner
CITY OF WICHITA	
By:Carl Brewer, Mayor	ATTEST: Karen Sublett, City Clerk
Carl Brewer, Mayor	Karen Sublett, City Clerk
STATE OF KANSAS)) SS:	
COUNTY OF SEDGWICK)	
BE IT REMEMBERED that on this depends on the County and State aforesaid, or	lay of, 20, before me, a Notary came and rsonally known to me to be the same persons who executed luly acknowledged to me the execution of the same.
the within instrument of writing and such persons d	rsonally known to me to be the same persons who executed fully acknowledged to me the execution of the same.
	and and affixed my seal the day and year last above written.
,	
_	
My Commission Expires:	Notary Public
SEAL	
STATE OF KANSAS)	
) SS: COUNTY OF SEDGWICK)	
Corporation, personally known to me to be the same	lay of, 20, before me, a Notary Public, arl Brewer, Mayor of The City of Wichita, a Municipal ne persons who executed the within instrument of writing and tion of the same, for and on behalf and as the act and deed of
IN WITNESS WHEREOF, I have set my ha	and and affixed my seal the day and year last above written.
	Notary Public
My Commission Expires:	Notary i ubile
SEAL	
APPROVED AS TO FORM:	

City of Wichita City Council Meeting

May 7, 2013

TO: Mayor and City Council

SUBJECT: SUB2012-00029 -- Plat of North High School 2nd Addition located west of

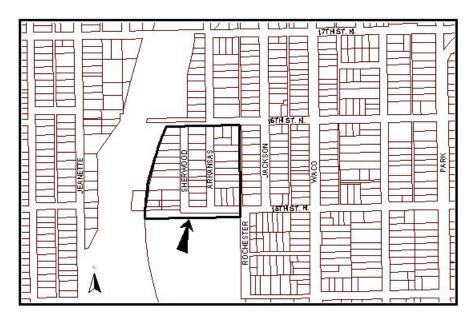
Broadway, north of 13th Street North (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)



<u>Background</u>: The site, consisting of one lot on 10.41 acres, is zoned TF-3 Two-family Residential and B Multi-family Residential.

<u>Analysis</u>: Water and sewer services are available to serve the site. The applicant has submitted a Street Return Closure Certificate regarding the street returns required to be closed.

The plat has been reviewed and approved by the Metropolitan Area Planning Commission subject to conditions.

Financial Considerations: There are no financial considerations associated with the plat.

<u>Legal Considerations</u>: The Law Department has reviewed and approved the Street Return Closure Certificate as to form and the document will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the document and plat, and authorize the necessary signatures.

Attachments: Street Return Closure Certificate.

COPY

STREET RETURN CLOSURE CERTIFICATE

State of Kansas)
Unified School	District No. 259, Sedgwick County, Kansas, owner(s) of that certain real
property to be known a	s North High School 2 nd Addition, Wichita, Sedgwick County, Kansas, is
in the process of plattir	ng said property, and does hereby acknowledge that in accordance with the
requirements of the pla	tting process as set forth by the City of Wichita, the street returns on 15 th
Street and 16th Street sl	nall be closed.

SS

This is to place on notice the owner(s) of the above-described property and subsequent owners thereof that, as a result of the above-cited platting requirements, said owner and subsequent owners thereof are responsible for seeing that such street returns are closed per City of Wichita specifications for such work, and that sufficient guaranty of such closure(s), in a form acceptable to the City of Wichita (e.g. – bond, cash, letter of credit, etc.) and/or acknowledgement that the City of Wichita may withhold the issuance of an occupancy permit for any future building construction, will be a pre-condition of the issuance of any future building permit for all development on the above-described property.

Sedgwick County

Unified School District No. 259, Sedgwick County, Kansas

y. Typn M. Rogers Presiden

STATE OF KANSAS)	
COUNTY OF SEDGWICK)	SS:
undersigned, a Notary Public, in and for the Operation of Unified School District No. 259 to be the same person who executed the with	day of, 2013, before me, the County and State aforesaid, came Lynn W. Rogers as Sedgwick County, Kansas, personally known to me in instrument of writing and such persons duly behalf, and as the act and deed on behalf of said
IN TESTIMONY WHEREOF, I have the day and year above written MIKE WILLOME NOTARY PUBLIC	hereunto set my hand and affixed my official seal
(My Appointment Expires: 4 - 4 - 15	Notary Public OF USO
Approved as to form:	WICHITA PUBLIC SCHOOLS WE ANALYS
Gary E. Rebenstorf, City Attorney	

City of Wichita City Council Meeting May 7, 2013

TO: Mayor and City Council

SUBJECT: SUB2013-00007 -- Plat of Absolute Natural Stone Addition located on the south

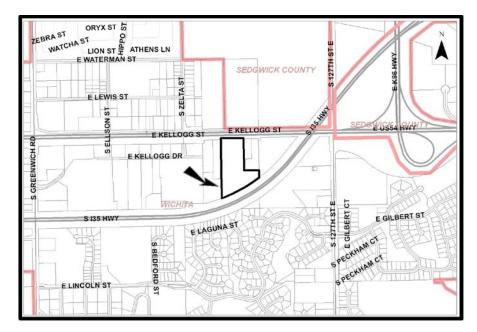
side of Kellogg, west of 127th Street East (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

<u>Staff Recommendation</u>: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0-1)



Background: The site, consisting of one lot on 10.3 acres, is located within Wichita. A zone change (ZON2012-00005) has been approved from SF-5 Single-family Residential and LC Limited Commercial to GC General Commercial. Protective Overlay #267 was also approved for the site addressing permitted uses, setbacks, landscaping, lighting, noise, and screening.

<u>Analysis</u>: The site has been approved by the City's Environmental Health Department for the use of onsite sanitary sewer facilities. The applicant has submitted a 100 percent Petition and a Certificate of Petitions for paving, water, and future sewer improvements. The applicant has submitted a Restrictive Covenant to provide for the ownership and maintenance responsibilities of the reserves being platted. The applicant has submitted a Notice of Protective Overlay identifying the approved Protective Overlay and special conditions for development on the property. The applicant has submitted a Cross-lot Drainage Agreement as requested by Stormwater Engineering.

The plat has been reviewed and approved by the Metropolitan Area Planning Commission subject to conditions.

Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Financial Considerations: There are no financial considerations associated with the plat.

<u>Legal Considerations</u>: The Law Department has reviewed and approved the Certificate of Petitions, Restrictive Covenant, Notice of Protective Overlay, Cross-lot Drainage Agreement and Resolution as to form and the documents will be recorded with the Register of Deeds.

The Law Department has reviewed and approved the Ordinance as to form.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, authorize the necessary signatures, adopt the Resolutions and place the Ordinance on first reading.

<u>Attachments</u>: Certificate of Petitions.

Restrictive Covenant.

Notice of Protective Overlay. Cross-lot Drainage Agreement.

Ordinance. Resolution.

COPY

CERTIFICATE OF PETITION

STATE OF KANSAS)	
COUNTY OF SEDGWICK)	SS

We, Alta Marie Thompson Revocable Trust and Jesri Investment LLC, a Kansas limited liability company, owners of Absolute Natural Stone Addition, do hereby certify that petitions(s) for the following improvements have been submitted to the City Council of the City of Wichita, Kansas:

- 1. Paving Petition
- 2. Water Distribution System Petition
- 3. Sanitary Sewer Petition

As a result of the above-mentioned petition(s) for improvements, all lots or portions thereof within the Absolute Natural Stone Addition, may be subject to special assessments assessed thereto for the cost of constructing the above described improvements.

Signed this 5^{th} day of 4^{pul} , 2013

By:

Wilma J. Thompson, Co-Trustee, Alta Marie Thompson Revocable Trust

By

Toby Taylor, Co-Trustee, Alta Marie Thompson Revocable Trust

By:
Amme
Ammar Jesri, Member, Jesri Investment LLC, a Kansas limited liability company
STATE OF KANSAS)) SS
SEDGWICK COUNTY)
BE IT REMEMBERED, that on this 5 day of 2013, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Wilma J. Thompson, Co-Trustee, Alta Marie Thompson Revocable Trust, personally known to me to be the same persons who executed the within instruments of writing and such persons duly acknowledged the execution of the same.
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above-written.
My Commission Expires: 4-5-2014 Notary Public
REBECCA CAST NOTARY PUBLIC STATE OF KANSAS My Appt. Exp
STATE OF KANSAS)) SS
SEDGWICK COUNTY)
BE IT REMEMBERED, that on this 5 day of

IN TESTIMONY WHEREOF, I official seal the day and year above-written.	have hereunto set my hand and affixed my
My Commission Expires: 4-5-2014	Notary Public REBECCA CAST NOTARY PUBLIC STATE OF KANSAS My Appt. Exp. 45 20
STATE OF KANSAS)) SS	
SEDGWICK COUNTY)	
Ammar Jesri, Member, Jesri Investment LLC	in and for the County and State aforesaid, came, a Kansas limited liability company, personally cuted the within instruments of writing and such
IN TESTIMONY WHEREOF, I official seal the day and year above-written.	have hereunto set my hand and affixed my
My Commission Expires: 4-5-2014	Referce Cast Notary Public REBECCA CAST
ADDROVED AS TO FORM.	NOTARY PUBLIC STATE OF KANSAS My Appt. Exp. 45 2019
APPROVED AS TO FORM: Gary E. Rebenstorf, Director of Law	

COPY

Restrictive Covenant

This covenant, executed this ______ day of _______, 2013.

WITNESSETH:

WHEREAS, the undersigned are in the process of platting that certain real property to be known as Lot 1, Block A, Absolute Natural Stone Addition, Wichita, Sedgwick County, Kansas; and

WHEREAS, as a part of the platting process certain requirements have been made by the Wichita-Sedgwick County Metropolitan Commission providing for the ownership and maintenance of the reserves.

NOW, THEREFORE, the undersigned do hereby subject Absolute Natural Stone Addition to Wichita, Sedgwick County, Kansas, to the following covenants:

- 1. The reserves located in said addition will be conveyed to the lot owners at such time as the project is sold to or occupied by owners or tenants other than the undersigned.
- 2. Until said reserves are so conveyed, the ownership and maintenance of the reserves shall be by the undersigned.
- 3. In the event that the undersigned, its successors or assigns, shall fail to maintain the reserves, the City of Wichita may serve a Notice of Delinquency upon the undersigned setting forth the manner in which the undersigned has failed to fulfill its obligations, as defined in the Operation and Maintenance Manual, recorded at the Sedgwick County Register of Deeds. Such Notice shall include a statement describing the obligation that has not been fulfilled. If said obligation has not been fulfilled within the said time specified, the City of Wichita, may, in order to preserve the taxable value of the properties within the Addition and to prevent the reserves from being a nuisance, enter upon said reserves and perform the obligations listed in the Notice of Delinquency. All cost incurred by the City of Wichita in carrying out the obligations of the undersigned may be assessed against the reserves in the same manner as provided by law for such assessments and said assessments may be

established as liens upon said reserves. Should the undersigned, its successors or assigns, upon receipt of reason, within the twenty-day period to be provided in said notice, apply for a hearing before the City Council to appeal said assessments, any further proceedings under said Notice shall be suspended pending the outcome of any proceedings with respect to such appeal.

4. This covenant is binding on the owners, their successors and assigns, and is a covenant running with the land and is binding on all successors in title to the above described property.

IN TESTIMONY WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

day and your more doors willow
By: Wilma J. Thompson, Co-Trustee, Alta Marie Thompson Revocable Trust
By: Toby Taylor, Co-Trustee, Alta Marie Thompson Revocable Trust
Ammar Jesri, Member, Jesri Investment LLC, a Kansas limited liability company
STATE OF KANSAS)) SS SEDGWICK COUNTY)
BE IT REMEMBERED, that on this
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above-written.

Roberta Cast Notary Public

My Commission Expires: 4-5-20/4

STATE OF KANSAS) SS		
SEDGWICK COUNTY)		
BE IT REMEMBERED, that on this 5th day of 2013, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Toby Taylor, Co-Trustee, Alta Marie Thompson Revocable Trust, personally known to me to be the same persons who executed the within instruments of writing and such persons duly acknowledged the execution of the same.		
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above-written.		
Roberta Cast		
My Commission Expires: 4-5-2014 Notary Public		
STATE OF KANSAS) REBECCA CAS NOTARY PUBLIC STATE OF KANSAS		
SEDGWICK COUNTY) SS My Appt Exp. 4-5-2		
BE IT REMEMBERED, that on this 5 day of, 2013, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Ammar Jesri, Member, Jesri Investment LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instruments of writing and such persons duly acknowledged the execution of the same.		
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above-written.		
My Commission Expires: 4-5-2014 Referca Cast Notary Public		
REBECCA CAST NOTARY PUBLIC STATE OF KANSAS My Appt. Exp. 4-5-2014 Gary E. Rebenstorf, Director of Law		

COPY

NOTICE OF PROTECTIVE OVERLAY ABSOLUTE NATURAL STONE ADDITION (PO#267)

THIS NOTICE made this ______ day of _____, 2013, by Wilma J. Thompson, Co-Trustee, Alta Marie Thompson Revocable Trust, Toby Taylor, Co-Trustee, Alta Marie Thompson Revocable Trust, and Ammar Jesri, Member, Jesri Investment LLC, a Kansas limited liability company, hereinafter called "Declarant,"

WITNESSETH

WHEREAS, Declarant is the owner of the following described property:

Lot 1, Block A

Absolute Natural Stone Addition, an addition to Wichita, Sedgwick County, Kansas

WHEREAS, Declarant is desirous to file notice that a protective overlay approved by the City of Wichita is on file with the Wichita-Sedgwick County Metropolitan Area Planning Department, located on the 10th Floor, City Hall, Wichita, Kansas, (316) 268-4421.

NOW, THEREFORE, the Declarant gives notice that the approved Absolute Natural Stone Addition Protective Overlay #267 has placed restrictions on the use and requirements on the development of the above-described real property. The protective overlay shall be binding on the owners, their heirs, or successors or assigns and is a document running with the land and is binding on all successors in title to Lot 1, Block A, Absolute Natural Stone Addition.

EXECUTED the day and year first written above.

By:

By:

Wilma J. Thompson, Co-Trustee, Alta Marie Thompson Revocable Trust

By:

Toby Taylor, Co-Trustee, Alta Marie Thompson Revocable Trust

Ammar Jesri, Member, Jesri Investment LLC, a Kansas limited liability company

STATE OF KANSAS)) SS	
SEDGWICK COUNTY)	
BE IT REMEMBERED, that on this 5 day of 2013, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Wilma J. Thompson, Co-Trustee, Alta Marie Thompson Revocable Trust, personally known to me to be the same persons who executed the within instruments of writing and such persons duly acknowledged the execution of the same.	
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above-written.	
My Commission Expires: 4-5-2014 Notary Public	
STATE OF KANSAS) SS SEDGWICK COUNTY REBECCA CAST NOTARY PUBLIC STATE OF KANSAS My Appt. Exp. 45 20/4	
BE IT REMEMBERED, that on this day of day of , 2013, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Toby Taylor, Co-Trustee, Alta Marie Thompson Revocable Trust, personally known to me to be the same persons who executed the within instruments of writing and such persons duly acknowledged the execution of the same.	
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above-written.	
My Commission Expires: 4-5-2014 REBECCA CAST NOTARY PUBLIC STATE OF PUBLIC ST	
STATE OF KANSAS Wy Appt. Exp. 4-5-20/	
) SS SEDGWICK COUNTY)	
BE IT REMEMBERED, that on this	

IN TESTIMONY WHEREOF, I has seal the day and year above-written.	ave hereunto set my hand and affixed my official
My Commission Expires: 4-5-2014	Robecca Cast Notary Public
APPROVED AS TO FORM:	REBECCA CAST NOTARY PUBLIC STATE OF KANSAS My Appt. Exp. 45 20 Kf

Gary E. Rebenstorf, Director of Law

CROSS LOT DRAINAGE AGREEMENT

THIS AGREEMENT made _____ day of _____, 2013, by Wilma J. Thompson, Co-Trustee, Alta Marie Thompson Revocable Trust; Toby Taylor, Co-Trustee, Alta Marie Thompson Revocable Trust; and Ammar Jesri, Member, Jesri Investment LLC, a Kansas limited liability company, hereinafter referred to as the "Grantor".

WHEREAS the Grantors are the owners of the Following described real estate:

Absolute Natural Stone Addition, Wichita, Sedgwick County, Kansas

WHEREAS, the above described real property is contiguous to and lies directly adjacent to Suburban Equipment Addition and East Kellogg Mini Storage Addition; and

WHEREAS, the Grantors desire to provide a perpetual cross lot drainage agreement over and across Absolute Natural Stone Addition, Wichita, Sedgwick County, Kansas.

NOW THEREFORE, in consideration of the premises:

Grantor hereby subjects the above described real property to allow that subject Suburban Equipment Addition and East Kellogg Mini Storage Addition may drain over, under, and across Absolute Natural Stone Addition, Wichita, Sedgwick County, Kansas, as necessary in accordance with a final drainage plan filed with the City of Wichita

This covenant shall be binding on the owner, their heirs, or successors or assigns and is a covenant running with the land and is binding on all successors in title to the above described real property.

By:

Wilma J. Thompson, Co-Trustee, Alta Marie Thompson Revocable Trust

Toby Taylor, Co Trustee, Alta Marie Thompson Revocable Trust

AMAN STATE OF THE
Ammar Jesri, Member, Jesri Investment LLC, a Kansas limited liability company
STATE OF KANSAS)
SEDGWICK COUNTY) SS
BE IT REMEMBERED, that on this 5 day of 4, 2013, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Wilma J. Thompson, Co-Trustee, Alta Marie Thompson Revocable Trust, personally known to me to be the same persons who executed the within instruments of writing and such persons duly acknowledged the execution of the same.
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above-written.
My Commission Expires: 4-5-2014 Notary Public
REBECCA CAST NOTARY PUBLIC STATE OF KANSAS My Appt. Exp. 4-5-2014 STATE OF KANSAS
) SS SEDGWICK COUNTY)
BE IT REMEMBERED, that on this 5 day of
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above-written.
My Commission Expires: 4-5-2014 Notary Public
REBECCA CAST NOTARY PUBLIC STATE OF KANSAS My Appt. Exp. 4-5-2014

SS

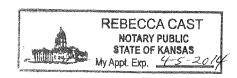
SEDGWICK COUNTY

BE IT REMEMBERED, that on this 5th day of April , 2013, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Ammar Jesri, Member, Jesri Investment LLC, a Kansas limited liability company, personally known to me to be the same persons who executed the within instruments of writing and such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above-written.

efecca Cast

My Commission Expires: 4-5-2014



Approved as to form:

Gary E. Rebenstorf, Director of Law

Published in The Wichita Eagle on May 17, 2013

ORDINANCE NO. 49-497

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2012-00005

Zone change request from SF-5 Single-family Residential and LC Limited Commercial to GC General Commercial on property described as:

Absolute Natural Stone Addition, Wichita, Sedgwick County, Kansas.

Generally located on the south side of Kellogg, west of 127th Street East.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #267:

- 1. The transfer of title on all or any portion of the land included in the development does not constitute a termination of the PO or any portion thereof, but said PO shall run with the land for development and be binding upon present land owners, their successors and assigns and their lessees unless amended.
- 2. If multiple ownership is anticipated an owners association agreement providing for the maintenance of reserves, open spaces, internal drives, parking areas, drainage improvements, etc, shall be filed with the plat of the area.
- 3. Certain development requirements including, but not limited to, drainage, access, easements, and road improvements (including guarantees and dedication of right-of-way) shall be determined at the time platting.
- 4. Prior to publishing the ordinance making the zone change official, the applicant shall provide a revised PO site plan drawing for review and consideration of approval by the Planning Director. The revised PO site plan drawing shall include all provisions to the approved PO. The site shall be developed and operated in conformance with the approved PO site plan and other applicable regulations unless specifically modified by this PO.
- 5. The uses allowed within this PO shall be confined to those listed within the parcel descriptions. Any additional uses will require an adjustment or an amendment to this PO. Any cutting of stone shall be done indoors.
- 6. A 35 foot building setback shall be required along the perimeter of the subject site. No trash receptacles, parking, lighting, outdoor storage or any structure will be allowed in the setbacks. The setbacks will be shown on the PO site plan drawing.

- 7. Screening per UZC CUP requirements and landscaping per the Landscape Ordinance shall be installed. All existing landscaping located within the 35-foot setbacks shall remain. A landscape prepared by a licensed Kansas Landscape Architect will be submitted for approval prior to issuance of certificate of occupancy and shall comply with the Landscape Ordinance. If all required screening or landscaping is not installed prior to occupancy, a financial guarantee shall be provided for the necessary screening, landscaping and watering equipment. A landscape plan shall include how the landscaping shall be maintained. All planting must be done within a year of approval by the governing body.
- 8. Up to 20-foot tall (including the base) pole lighting standards are allowed. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. All lights on buildings will be directed down and away from residential development.
- 9. All trash dumpsters and loading dock areas will have solid screening around them.
- 10. Roof top mechanical equipment shall be screened from ground level view, per Wichita Sedgwick County Unified Zoning Code
- 11. No outside speakers/amplification
- 12. All off street parking and parking areas shall have a surface in accordance with the Wichita Sedgwick County Unified Zoning Code.
- 13. A vehicular and pedestrian circulation plan shall be prepared for review and approval and will include cross lot access.
- 14. No occupancy permits will be issued until the site is serviced by municipal water and sewer.
- 15. All proposed new utilities will be installed underground.
- 16. All drives and access thorough the site will be surfaced per the standards of the City of Wichita. Fire must approve circulation and all fire lanes must remain clear.
- 17. All buildings/structures must meet City Codes and permitting requirements. All buildings will be of similar materials and design.
- 18. Signs: All signs must be a monument type as permitted in the General Commercial ("GC") zoning district. No portable or flashing signs (unless telling the time, temperature or other public messages) shall be permitted on the subject property. No building signs shall be permitted along the face of any building that abuts a residential zoning district. Wall display signs are limited to 25% of the wall area. Each parcel is allowed at least one free standing 170-square foot sign per arterial frontage. No offsite signs, unless approved by the MAPC or the governing body after a review of the proposed sign.
- 19. All outside storage of sand and dirt shall have three sided walls or fences to prevent the wind from blowing these materials around and from the site.
- 20. If the Zoning Administrator finds that there is a violation of any of the provisions of the Protective Overlay, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the zoning is null and void.
- 21. All uses permitted by right in the GC district are permitted.
- 22. The following development standards shall apply:

Maximum Building Height = 35 feet

Maximum Coverage = 30%

Maximum Gross Floor Area = 35%

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 14th day of May, 2013.

ATTEST:	
Karen Sublett, City Clerk	Carl Brewer, Mayor
(SEAL)	
APPROVED AS TO FORM:	
Gary E. Rebenstorf, Director of Law	

First Published in the Wichita Eagle on May 10,2013

RESOLUTION NO. 13-078

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING THE IMPROVEMENT OF WATER DISTRIBUTION SYSTEM NUMBER 448-90590 (SOUTH OF KELLOGG, WEST OF 127TH STREET EAST) IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING WATER DISTRIBUTION SYSTEM NUMBER 448-90590 (SOUTH OF KELLOGG, WEST OF 127TH STREET EAST) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve **Water Distribution** System Number 448-90590 (south of Kellogg, west of 127th Street East).

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Seventy-Five Thousand Dollars** (\$63,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **April 1, 2013**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

ABSOLUTE NATURAL STONE ADDITION Lot 1, Block A

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **per lot** basis.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City	of Wichita, Kansas, this 7 th day of May 2013.
	CARL BREWER, MAYOR
ATTEST:	
KAREN SUBLETT, CITY CLERK (SEAL)	
APPROVED AS TO FORM:	
GARY E. REBENSTORF, DIRECTOR OF LAW	

First Published in the Wichita Eagle on May 10, 2013

RESOLUTION NO. 13-079

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 27, MAIN 13, WAR INDUSTRIES SEWER (SOUTH OF KELLOGG, WEST OF 127TH STREET EAST) 468-84875 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF LATERAL 27, MAIN 13, WAR INDUSTRIES SEWER (SOUTH OF KELLOGG, WEST OF 127TH STREET EAST) 468-84875 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Lateral 27, Main 13, War Industries Sewer (south of Kellogg, west of 127th Street East) 468-84875.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Thirty-Three Thousand Dollars** (\$33,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **April 1, 2013**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

ABSOLUTE NATURAL STONE ADDITION

Lot 1, Block A

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **per lot** basis.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 7th day of May, 2013.

ATTEST:	CARL BREWER, MAYOR
KAREN SUBLETT, CITY CLERK	
(SEAL)	
APPROVED AS TO FORM:	
GARY E. REBENSTORF	

DIRECTOR OF LAW

First Published in the Wichita Eagle on May 10, 2013

RESOLUTION NO. 13-080

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON KELLOGG DRIVE FROM THE NORTHWEST CORNER OF ABSOLUTE NATURAL STONE ADDITION TO THE EAST LINE OF SAID ADDITION, APPROXIMATELY 400 FEET (SOUTH OF KELLOGG, WEST OF 147TH STREET EAST) 472-85098 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON KELLOGG DRIVE FROM THE NORTHWEST CORNER OF ABSOLUTE NATURAL STONE ADDITION TO THE EAST LINE OF SAID ADDITION, APPROXIMATELY 400 FEET (SOUTH OF KELLOGG, WEST OF 147TH STREET EAST) 472-85098 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to pave Kellogg Drive from the northwest corner of Absolute Natural Stone Addition to the east line of said addition, approximately 400 feet (south of Kellogg, west of 147th Street East) 472-85098.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **One Hundred Nine Thousand Dollars** (\$109,000) exclusive of the cost of interest on borrowed money, with 100 Percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **April 1, 2013**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

ABSOLUTE NATURAL STONE ADDITION

Lot 1, Block A

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **per lot** basis.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas this 7th day of

May, 2013.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY E. REBENSTORF DIRECTOR OF LAW

City of Wichita City Council Meeting May 7, 2013

TO: Wichita Airport Authority

SUBJECT: Jabara Road Reconstruction and T-Hangar Expansion

Grant Applications

Colonel James Jabara Airport

INITIATED BY: Department of Airports

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the grant applications and receipt of grant funds.

Background: On March 26, 2013, the Wichita Airport Authority approved the project to reconstruct Jabara Road and expand the T-Hangar complex. At that time, it was noted that a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant would pay for the eligible work at 90% funding.

<u>Analysis:</u> The Kansas Department of Transportation (KDOT), Airports Division, made funds available last week and an immediate turn-around was required to submit grant applications to be considered eligible for the funds during the state's 2013 fiscal year. KDOT funding is 50% of the eligible work as defined by that agency's criteria.

<u>Financial Considerations:</u> Three grant applications have been prepared and submitted to KDOT for a maximum amount of \$775,000. The Airport's matching portion will be funded through the issuance of general obligation bonds which will be repaid with airport revenues.

Funding Source	<u>Amount</u>
KDOT FAA AIP WAA	\$ 775,000 \$ 915,000 \$ 748,000
Total Project	\$2,438,000

<u>Legal Considerations:</u> Application and utilization of this grant is within the Wichita Airport Authority's statutory powers. The applications comply with FAA and KDOT procedural requirements.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the grant applications and receipt of funds, and authorize the Director of Airports to sign the documents related to the grant.

Attachments: Grant applications.

Kansas Airport Improvement Program Application Form

Date: April 22, 2013

Indicate for which Fiscal Year (FY) the application is to be considered

FY 2013 July 1, 2012-June 30, 2013 (Applications due September 30, 2011)
FY 2014 July 1, 2013-June 30, 2014 (Applications due October 1, 2012)
Applicant/Sponsor: Wichita Airport Authority
Airport Identifier: AAO
Project Category: Design/Planning Modernization Equipment Preservation
Project Description:
Install a communication conduit along Jabara Road (full length) and 35 th Street North to allow communication providers and tenants easy access to the facilities plus allow the facilities on the Airport to interconnect.
Total Project (Construction) Cost \$300,000
We understand that if the project is approved, the Kansas Department of Transportation will participate in the cost of construction and construction engineering at a rate of 90 percent for sponsors with a population less than 3,000, 75 percent for sponsors with a population less than 10,000 or 50 percent for sponsors with a population of 10,000 or greater, not to exceed \$800,000 of state funds (\$1,600,000 for new primary runways; \$1,200,000 for full-depth reconstruction of existing primary runway). The Sponsor will be responsible for letting the contract for bids and supervising construction. Construction engineering is eligible for KDOT funding.
Sponsor's Contact Person: John Oswald Title: Airport Engineering and Planning Manager
Address: 2173 Air Cargo Road, Wichita, Kansas 67209
Phone: 316-946-4715 Fax: 316-946-1898 e-mail: joswald@wichita.gov Sponsor's Signature Title DIRTCOR OF AIR FORTS
Additional information attached ~

Exhibit 4

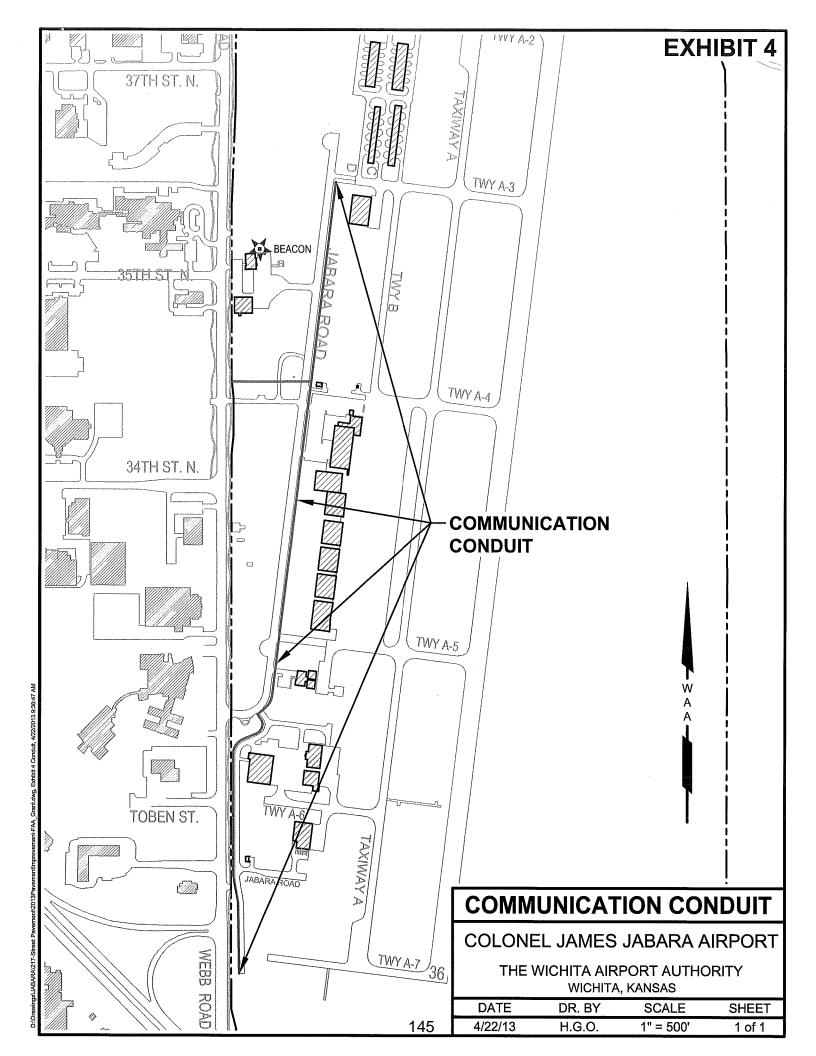
ADDITIONAL INFORMATION

Attach any information or documentation to the application that you wish to be considered in evaluating the request. Such items might include photographs, engineering plans, economic impact statements, in-kind work, local support, situations unique to the project, and benefits derived. These items may be in a narrative form with focus on specifics and avoiding generalities.

It is expected that projects will vary greatly in cost and complexity. Sponsors are encouraged to review the proposed project with the Division of Aviation. Smaller projects may not require engineering or pre-planning that would be required for major runway rehabilitation projects. Sponsors will be responsible for all preliminary engineering and construction activities including plan preparation and letting of a contract. A contractual agreement will be executed between the Sponsor and the Kansas Department of Transportation that encompasses the work to be accomplished.

Send Applications to:

Kansas Department of Transportation Division of Aviation 700 SW Harrison Topeka, KS 66603-3754 Phone 785-296-2553 Fax 785-296-3833



Kansas Airport Improvement Program Application Form

Date: April 22, 2013

Indicate for which Fiscal Year (FY) the application is to be considered

FY 2013	pplications due September 30, 2011)
FY 2014 July 1, 2013-June 30, 2014 (A)	pplications due October 1, 2012)
Applicant/Sponsor: Wichita Airport Authority	
Airport Identifier: AAO	
Project Category: Design/Planning Modernization	Equipment Preservation
Project Description:	
 A. Construct an Airport road system from the public stree 1. The FBO 2. The general aviation ramp 3. The t-hangar complex and the corporate hangar 	,
The project will also include an entrance monument sign, street and a vehicle security gate.	t lighting and signage, landscaping
B. Rehabilitate Jabara Court and Jabara Road (south) with sealing and pavement surface sealing. Work also adds	1 0.1
Total Project (Construction) Cost \$1,170,000	
We understand that if the project is approved, the Kansas Departmenthe cost of construction and construction engineering at a rate of 90 pless than 3,000, 75 percent for sponsors with a population less than 1 a population of 10,000 or greater, not to exceed \$800,000 of state fur trunways; \$1,200,000 for full-depth reconstruction of existing primar responsible for letting the contract for bids and supervising construct eligible for KDOT funding.	percent for sponsors with a population 0,000 or 50 percent for sponsors with ads (\$1,600,000 for new primary y runway). The Sponsor will be
Sponsor's Contact Person: John Oswald Title: Airport En	gineering and Planning Manager
Address: 2173 Air Cargo Road, Wichita, Kansas 67209	
Phone: 316-946-4716 / Fax: 316-946-1898	e-mail: joswald@wichita.gov
Sponsor's Signature	Title DIRECTAL OF ALLFORT

Additional information attached ~

- Photos
- Exhibits 1, 1a and 1b

ADDITIONAL INFORMATION

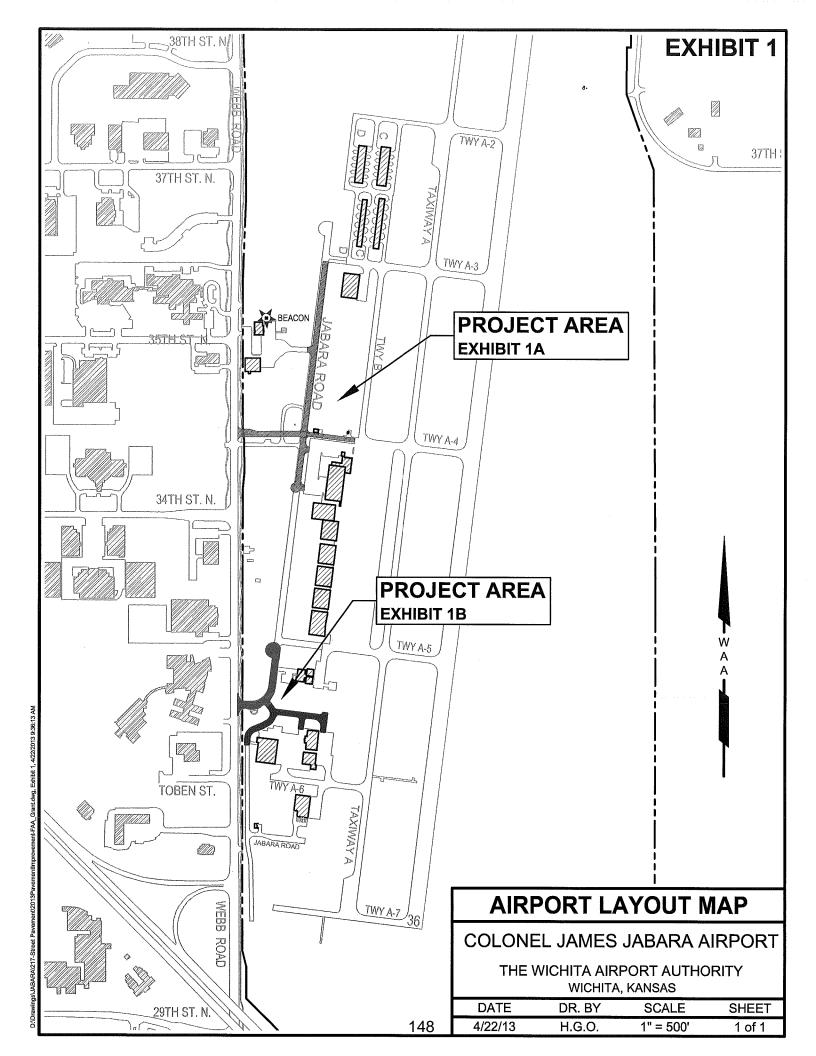
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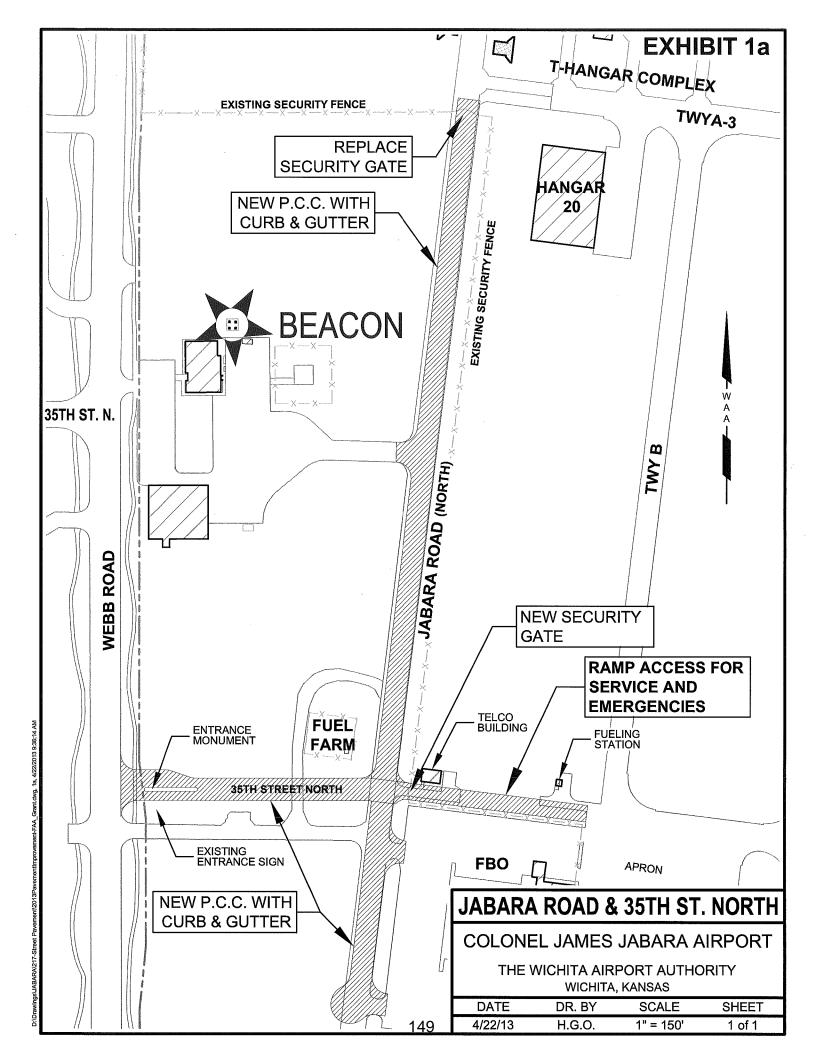
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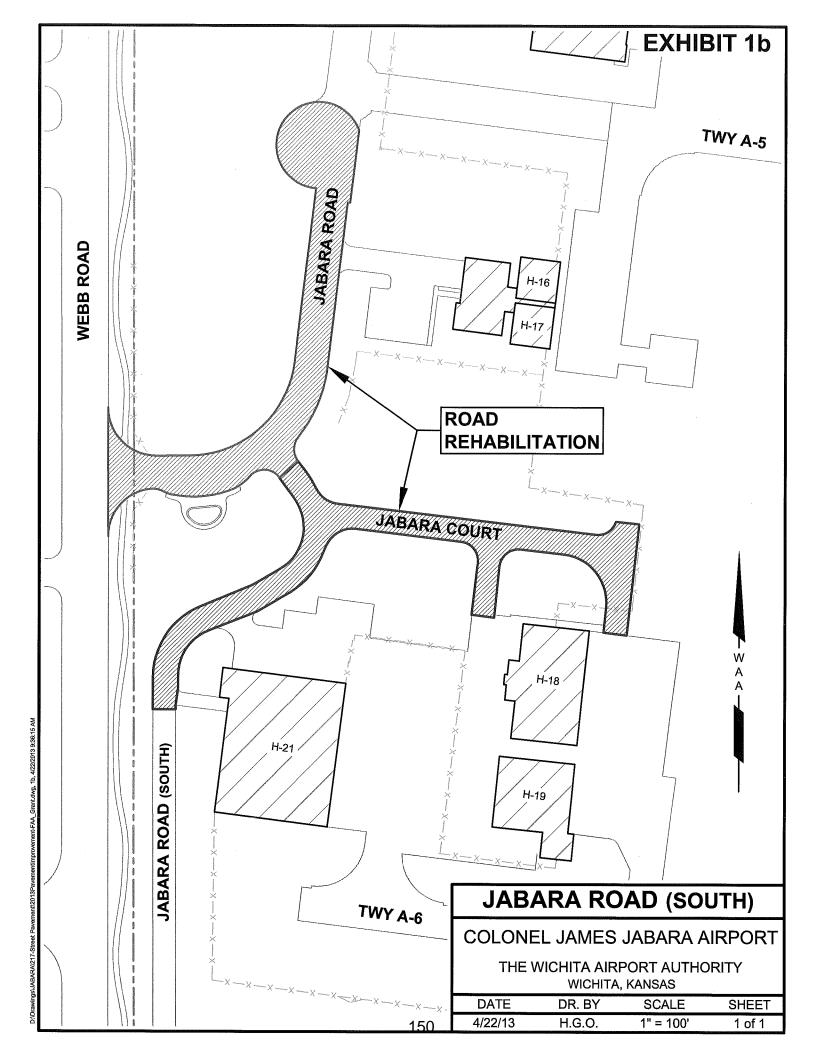
Send Applications to:

Kansas Department of Transportation Division of Aviation 700 SW Harrison Topeka, KS 66603-3754 Phone 785-296-2553 Fax 785-296-3833

E-mail: kdotaviation@ksdot.org







Kansas Airport Improvement Program Application Form

Date: April 22, 2013

Indicate for which Fiscal Year (FY) the application is to be considered

FY 2013	July 1, 2012-June 30, 2013 (Applications due September 30, 2011)
FY 2014	July 1, 2013-June 30, 2014 (Applications due October 1, 2012)
Applicant/Sponsor: Wichita Airpor	t Authority
Airport Identifier: AAO	
Project Category: Design/Plan	ning Modernization Equipment Preservation
Project Description: Reconstruct the City of Wichita for the police he	ne parking lot for Hangars 16 and 17. The facility is leased to licopter.
Total Project Costs	\$80,000
the cost of construction and construction less than 3,000, 75 percent for sponsors a population of 10,000 or greater, not to runways; \$1,200,000 for full-depth reco	roved, the Kansas Department of Transportation will participate in n engineering at a rate of 90 percent for sponsors with a population with a population less than 10,000 or 50 percent for sponsors with exceed \$800,000 of state funds (\$1,600,000 for new primary postruction of existing primary runway). The Sponsor will be aids and supervising construction. Construction engineering is
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Address: 2173 Air Cargo Road, Wichit	a, Kansas 67209
Phone: 316-946-4715 / Fax:	316-946-1898 e-mail: joswald@wichita.gov
Sponsor's Signature	Title DIRECTION OF ALRESTS
Additional information attached ~	
Photos	

Exhibits 2 and 2a

ADDITIONAL INFORMATION

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